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 745.225 Amendment
 745.300 New Section
 745.Exhibit B Amendment

4) Statutory Authority: Implementing Section 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-501, 13-502, 13-504, and 10-101, as amended by P.A. 87-856, effective May 14, 1992).).

5) A Complete Description of the Subjects and Issues Involved: P.A. 87-856, effective May 14, 1992, amends Article XIII of the Public Utilities Act dealing with telecommunications regulation. This amendment has changed the statutory requirements for the filing of tariffs by both competitive telecommunication carriers and certain non-competitive carriers. The proposed amendments to Part 745 update the Commission's regulation of tariff filings to comply with the statutory amendments.

6) Will this proposed amendment replace an emergency amendment currently in effect? No

7) Does this rulemaking contain an automatic repeal date: No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 26, 1992

B) Types of small businesses affected: This amendment will affect those telecommunications carriers that are also small businesses as defined in the Illinois Administrative Procedure Act.

C) Reporting, bookkeeping or other procedures required for compliance: Filing procedures

D) Types of professional skills necessary for compliance: Managerial skills

The full text of the Proposed Amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES

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SUBCHAPTER f: TELEPHONE UTILITIES

PART 745
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745.210
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745.221
745.225

Filing Requirements for Competitive Tariffs Generally
Additional Provisions Concerning Tariffs Filed Under Section 13-502(e)
Post-filing Proceedings Under Section 13-502(e)
Rate Changes for Competitive Services
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SUBPART D: RECLASSIFICATION OF SERVICES

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Reclassification

EXHIBIT A Notice of Competitive Tariff Filing Under Section 13-502(e)

EXHIBIT B Notice of Simplified Noncompetitive Tariff Filing Under Section 13-504

AUTHORITY: Implementing Sections 13-501, 13-502, and 13-504 and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 13-501, 13-502, 13-504, and 10-101, as amended by P.A. 87-856, effective May 14, 1992).

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Emergency rules adopted at 10 Ill. Reg. 765, effective January 1, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 10515, effective May 30, 1986; amended at 11 Ill. Reg. 8988, effective May 1, 1987; amended at 11 Ill. Reg. , effective

NOTE: Statutory language is denoted by capital letters.

SUBPART A: GENERAL PROVISIONS

Section 745.10 Applicability

This Part applies to all telecommunications carriers subject to regulation by the Illinois Commerce Commission ("Commission") under the provisions of Article XIII of the Public Utilities Act (Ill. Rev. Stat. 1985 1991, ch. 111 2/3, pars. 13-101 through 13-903 901L as amended by P.A. 87-856, effective May 14, 1992).

(Source: Amended at 11l. Reg. , effective)

Section 745.15 Definitions

"Public Utilities Act" means the Public Utilities Act (Ill. Rev. Stat. 1985 1991, ch. 111 2/3, pars. 1-101 et seq.).

(Source: Amended at 11l. Reg. , effective)

Section 745.20 General Filing Requirements

a) NO TELECOMMUNICATIONS CARRIER SHALL OFFER OR PROVIDE TELECOMMUNICATIONS SERVICE UNLESS AND UNTIL A TARIFF IS FILED WITH THE COMMISSION WHICH COMPLIES WITH THIS PART AND WHICH DESCRIBES THE NATURE OF THE SERVICE, APPLICABLE RATES AND OTHER CHARGES, TERMS AND CONDITIONS OF SERVICE, AND THE EXCHANGE, EXCHANGES OR OTHER GEOGRAPHICAL AREA OR AREAS IN WHICH THE SERVICE SHALL BE OFFERED OR PROVIDED (Ill. Rev. Stat. 1985 1991, ch. 111 2/3, par. 13-501).

b) As required by Section 13-503 of the Public Utilities Act (Ill. Rev. Stat. 1985 1991, ch. 111 2/3, par. 13-503), WITH RESPECT TO RATES OR OTHER CHARGES MADE, DEMANDED OR RECEIVED FOR ANY TELECOMMUNICATIONS SERVICE OFFERED, PROVIDED OR TO BE PROVIDED, WHETHER SUCH SERVICE IS COMPETITIVE OR NONCOMPETITIVE, TELECOMMUNICATIONS CARRIERS SHALL COMPLY WITH THE PUBLICATION AND FILING PROVISIONS OF SECTIONS 9-101, 9-102, AND 9-103 of that Act (Ill. Rev. Stat. 1985 1991, ch. 111 2/3, pars. 9-101, 9-102, 9-103).

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(Source: Amended at Ill. Reg. , effective)

Section 745.30 Classification of Tariffs

a) ~~Classification as competitive or noncompetitive.~~

†† As required by Section 13-502 of the Public Utilities Act (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-502), ALL TELECOMMUNICATION SERVICES OFFERED OR PROVIDED UNDER TARIFF BY TELECOMMUNICATIONS CARRIERS SHALL BE CLASSIFIED AS EITHER COMPETITIVE OR NONCOMPETITIVE. ANY TARIFF FILED WITH THE COMMISSION SHALL CLEARLY INDICATE WHETHER THE SERVICE TO BE OFFERED OR PROVIDED IS COMPETITIVE OR NONCOMPETITIVE. Tariffs for noncompetitive services shall comply with Subpart B, and tariffs for competitive services shall comply with Subpart C.

2† ~~All services for which effective tariffs are on file with the Commission on December 31, 19857 shall be classified as noncompetitive effective January 1, 1986. Thereafter, telecommunications carriers may classify these and other services as competitive by complying with the requirements of this Part.~~

b) All tariffs filed after January 1, 19867 shall state whether the service to be provided is an interexchange telecommunications service, a local exchange telecommunications service, neither or both.

(Source: Amended at Ill. Reg. , effective)

SUBPART B: NONCOMPETITIVE TARIFFS

Section 745.110 Simplified Noncompetitive Tariff Filings Under Section 13-504

a) The simplified ratemaking provisions of Section 13-504 of the Public Utilities Act (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-504, as amended by P.A. 87-856, effective May 14, 1992) shall only apply to ANY PROPOSED CHANGE IN RATES OR CHARGES, OR PROPOSED CHANGE IN ANY CLASSIFICATION OR TARIFF RESULTING IN A CHANGE IN RATES OR CHARGES. All other proposed changes shall be filed in accordance with the requirements of Article IX of the Public Utilities Act (Ill. Rev. Stat. 198591, ch. 111 2/3, pars. 9-101 through 9-252).

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NOTICE OF PROPOSED AMENDMENTS

b) Local exchange telecommunications carriers which file proposed tariffs pursuant to the simplified procedure set forth in Section 13-504 of the Public Utilities Act shall give 30 DAYS NOTICE TO THE COMMISSION AND ALL POTENTIALLY AFFECTED CUSTOMERS (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-504, as amended by P.A. 87-856, effective May 14, 1992).

c) Form of Notice

1) The local exchange telecommunications carrier shall provide notice to all existing customers whose currently billed rates or charges will be different as a result of the proposed tariff by mailing this notice, postage prepaid, three days prior to the date that the proposed tariff is filed with the Commission. Such notice shall be substantially in the form of Exhibit B and shall contain all of the information provided for in that Exhibit.

2) Notice to all other customers of the local exchange telecommunications carrier shall be by notice published in a secular newspaper of general circulation in the area served by the carrier. Notice shall be published no later than the day on which the proposed tariff is filed with the Commission. Such notice shall be substantially in the form of Exhibit B and shall contain all of the information provided for in that Exhibit.

(Source: Amended at Ill. Reg. , effective)

SUBPART C: COMPETITIVE TARIFFS

Section 745.200 Filing Requirements for Competitive Tariffs Generally

a) In addition to the requirements imposed by Subpart A, telecommunications carriers shall, with respect to tariffs filed pursuant to Section 13-502 of the Public Utilities Act under which competitive services are to be offered or provided, comply with the requirements imposed on public utilities by 83 Ill. Adm. Code 255.30 (except subsections (i) and (j)), with the remainder of this Section, and with Section 745.210 when the filing is made under Section 13-502(e) of the Public Utilities Act.

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NOTICE OF PROPOSED AMENDMENTS

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b) As provided in Section 13-502 of the Public Utilities Act, prior to August 1, 1987, any telecommunications carrier which seeks to file a tariff classifying a new interchange telecommunications service as competitive or reclassifying a previously noncompetitive interchange telecommunications service as competitive shall apply for prior commission approval of such tariff pursuant to the procedures of Section 13-502(e).

be) All tariffs classifying a service as competitive shall clearly state whether they are being filed pursuant to Section 13-502(b) or Section 13-502(e) of the Act.

cd) All such tariffs shall be accompanied by a verified statement (see 83 Ill. Adm. Code 200.130) which:

1) specifically alleges that, for some identifiable class or group of customers in an exchange, group of exchanges, or some other clearly defined geographical area, such service, or its functional equivalent, or a substitute service, is reasonably available from more than one provider, whether or not any such provider is a telecommunications carrier subject to regulation under the Public Utilities Act;

2) specifically identifies, through the use of descriptions, maps, or equivalent means, the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area for which the classification is made;

3) specifically describes the service, its functional equivalent, or the substitute service for which classification is being made; and

4) specifies:

A) one or more entities that provide the same service, its functional equivalent, or a substitute service, and

B) the identifiable class or group of customers in an exchange, group of exchanges or other clearly defined geographical area to whom such service is offered by such entity or entities.

de) If a telecommunications carrier which files a tariff classifying a service as competitive or reclassifying a previously noncompetitive telecommunications service as competitive also offers or provides noncompetitive telecommunications service, it shall file a study of the long-run marginal cost study service incremental cost for the service being classified as competitive at the time the tariff is filed (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-502, as amended by P.A. 87-856, effective May 14, 1992). For purposes of this subsection, a long-run marginal study is a study that identifies the total cost required to meet a sustained marginal increase in demand at any particular time period in each year, presuming optimal adjustments in a telecommunications carrier's plant and equipment.

ef) Tariffs filed pursuant to Section 13-502(b) of the Act take effect immediately upon filing; proposed tariffs filed pursuant to Section 13-502(e) of the Act take effect as provided in that Section and in Section 745.220 of this Part.

(Source: Amended at Ill. Reg. , effective)

Section 745.210 Additional Provisions Concerning Tariffs Filed Under Section 13-502(e)

All telecommunications carriers filing proposed tariffs classifying a service as competitive under Section 13-502(e) of the Public Utilities Act shall comply with the requirements set forth in the remainder of this Section, in addition to those requirements stated in Section 745.200.

a) An application shall be filed with the Commission for an order finding that the proposed tariff is proper and consistent with law. This application must accompany the proposed tariff and the statement required by Section 745.200(d) (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-502, as amended by P.A. 87-856, effective May 14, 1992).

b) Notice-

1) Any telecommunications carrier applying for commission approval of a proposed tariff under Section 13-502(e) shall provide timely and effective notice of its application and proposed tariff to potentially affected providers and customers by causing

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NOTICE OF PROPOSED AMENDMENTS

to be published in the official State newspaper and in some secular newspaper (that has been regularly published for at least 6 months prior to the publication of such notice) in general circulation in the exchange, group of exchanges or other geographical area to be served under the proposed tariff, a notice containing the information specified in the form of Exhibit A, not more than 21 days before the proposed tariff is filed.

- 2) Certificates of the publication required by subsection (b)(1) shall accompany the proposed tariff when filed. Lists of the names and addresses of newspapers of general circulation in the State are available from the Chief Clerk of the Commission at 527 E. Capitol, Springfield, Illinois 62706.

(Source: Amended at Ill. Reg. , effective)

Section 745.220 Post-filing Proceedings Under Section 13-502(e).

- a) The Commission shall enter into hearings on a proposed tariff if any potentially affected provider or customer requests a hearing under Section 13-502(e) of the Public Utilities Act by filing a request for such a hearing not later than 10 days after the proposed tariff is filed.

- b) IF THE COMMISSION ENTERS INTO HEARINGS UPON THE APPLICATION, IT SHALL ENTER A FINAL ORDER WITHIN 120 180 DAYS OF SUCH APPLICATION, AND, IF THE COMMISSION FAILS TO ENTER AN ORDER WITHIN SUCH PERIOD, THE APPLICATION SHALL BE DEEMED GRANTED, UNLESS, HOWEVER, THE COMMISSION, THE APPLICANT AND ALL PARTIES TO THE HEARING AGREE TO EXTEND SUCH TIME PERIOD (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-502, as amended by P.A. 87-856, effective May 14, 1992).

- c) The Commission shall enter into hearings on its own motion concerning any proposed or effective tariff when the Commission finds that it cannot make a determination based on the allegations contained in the verified statement required by Section 745.200 (a).

(Source: Amended at Ill. Reg. , effective)

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Section 745.221 Rate Changes for Competitive Services

Requirements for proposed changes in rates for competitive services are found in Section 13-505 of the Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 13-505, as amended by P.A. 87-856, effective May 14, 1992).

(Source: Added at Ill. Reg. , effective)

Section 745.225 Interim Orders

The Commission shall issue an interim order if the Commission finds that an interim order will advance the legislative policy enumerated in Section 13-103 of the Public Utilities Act (Ill. Rev. Stat. 198591, ch. 111 2/3, par. 13-103). Any conditions imposed will be those needed to carry out the policy of Section 13-103 of the Public Utilities Act under the circumstances of the particular case.

(Source: Amended at Ill. Reg. , effective)

SUBPART D: RECLASSIFICATION OF SERVICES

Section 745.300 Reclassification

If the Commission enters into a hearing upon complaint pursuant to Section 13-502(b) of the Act regarding the propriety of any classification, the complaint is deemed granted if the Commission fails to issue an order within 180 days from the date such hearing is initiated. For purposes of complaints filed under Section 13-502(b), "deemed granted" shall mean that the service that is the subject of the complaint is reclassified.

(Source: Added at Ill. Reg. , effective)

Section 745.EXHIBIT B Notice of Simplified Noncompetitive Tariff Filing under Section 13-504

To the customers of _____ (Date)

(Company)

The _____ hereby gives notice that on _____ (Company)

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ILLINOIS COMMUNITY COLLEGE BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administration of the Illinois Public Community College Act

2) Code Citation: 23 Ill. Adm. Code 1501

3) Section Numbers: Proposed Action:

1501.509 amendment
1501.515 amendment

4) Statutory Authority: Ill. Rev. Stat., 1991, Ch. 122, par. 102-16

5) A Complete Description of the Subjects and Issues Involved:

In its fiscal year 1993 budget request, the ICCB proposed funding for several workforce preparation initiatives, such as the development of telecommunications networks for providing access to higher education opportunities in remote areas of the state, the creation of centers of learning excellence to demonstrate innovative ways of teaching literacy and basic educational skills to adult learners, and the development of centers of emerging technology to enable the community colleges to develop state-of-the-art technical programs designed to meet the rapidly changing needs of businesses and industries in Illinois. The fiscal year 1993 budget request included funds in the ICCB restricted grants for these workforce preparation initiatives. The proposed revisions to the restricted grant rules add language to accommodate these initiatives and specify the eligible expenditures that enable the colleges to use the grants for these new purposes.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments do not create or enlarge a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed amendments may submit them in writing by no later than 45 days after publication of this notice to:

Christine Merrifield, Deputy Director
Governmental Relations
Illinois Community College Board
509 South Sixth Street, Room 400
Springfield, Illinois 62761
Telephone: (217) 785-0085

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ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Date) _____ it will file a proposed tariff that makes a change in its rates, charges, or classifications resulting in a change in rates or charges for local exchange telecommunications service pursuant to Section 13-504 of the Public Utilities Act.

(1) (State whether the change is in rates, charges, classification, rule or regulation.)

(2) (Give present and proposed rates so consumer can determine the effect on his or her bill.)

(3) (Give area or exchange that is affected by tariff filing.)

This proposed tariff will become effective 30 days after it is filed with the Illinois Commerce Commission. ~~The Commission may investigate the proposed change.~~ The Commission must investigate whether the proposed change is just and reasonable if a telecommunications carrier that is a customer of the local exchange telecommunications carrier or the lesser of 5 percent or ~~more~~ 75 of the potentially affected subscribers of the company file a petition or complaint with the Chief Clerk of the Commission requesting an investigation.

Additional information concerning this filing may be obtained from _____, (Company) _____, (Address) _____ at _____, or from the Chief Clerk, Illinois Commerce Commission, 527 East Capitol Avenue, P.O. Box 4905 19280, Springfield, Illinois, 62708 52794-9280, (217) 782-7434.

(Signature)

(Title)

(Source: Amended at Ill. Reg. _____, effective _____)

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ILLINOIS COMMUNITY COLLEGE BOARD
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis: Not Applicable

The full text of the Proposed Amendment begins on the next page:

ILLINOIS COMMUNITY COLLEGE BOARD
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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501
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1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

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NOTICE OF PROPOSED AMENDMENTS

SUBPART D: STUDENTS

- Section
- 1501.401 Definition of Terms
 - 1501.402 Admission of Students
 - 1501.403 Student Services
 - 1501.404 Academic Records
 - 1501.405 Student Evaluation
 - 1501.406 Reporting Requirements

SUBPART E: FINANCE

- Section
- 1501.501 Definition of Terms
 - 1501.502 Financial Planning
 - 1501.503 Audits
 - 1501.504 Budgets
 - 1501.505 Non-Resident Student Tuition Calculations
 - 1501.506 Published Financial Statements
 - 1501.507 Credit Hour Grants
 - 1501.508 Special Populations Grant
 - 1501.509 Workforce Preparation *Economic/Developmental* Grants
 - 1501.510 Reporting Requirements
 - 1501.511 Chart of Accounts
 - 1501.514 Business Assistance Grants (Repealed)
 - 1501.515 Advanced Technology Equipment Grants
 - 1501.516 Repair and Renovation Grants
 - 1501.517 Retirees Health Insurance Grants

SUBPART F: CAPITAL PROJECTS

- Section
- 1501.601 Definition of Terms
 - 1501.602 Approval of Capital Projects
 - 1501.603 State Funded Capital Projects
 - 1501.604 Locally Funded Capital Projects
 - 1501.605 Project Changes
 - 1501.606 Progress Reports (Repealed)
 - 1501.607 Reporting Requirements
 - 1501.608 Approval of Projects in Section 3-20.3.01 of the Act
 - 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act
 - 1501.610 Demolition of Facilities

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SUBPART G: STATE COMMUNITY COLLEGE

- Section
- 1501.701 Definition of Terms
 - 1501.702 Applicability
 - 1501.703 Recognition
 - 1501.704 Programs
 - 1501.705 Finance
 - 1501.706 Personnel
 - 1501.707 Facilities

SUBPART H: PERSONNEL

- Section
- 1501.801 Definition of Terms
 - 1501.802 Sabbatical Leaves

AUTHORITY: Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act (Ill. Rev. Stat. 1991, ch. 122, pars. 102-1 et seq., 103-1 et seq., and par. 106-5.3)

SOURCE: Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107, and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 12 Ill. Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. _____, effective _____.

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SUBPART E: FINANCE

Section 1501.509 Workforce Preparation ~~Economic/Development~~ Grants

- a) A minimum of \$30,000 of each district's workforce preparation ~~economic/development~~ grant shall be used to operate a business assistance center, ~~or economic development, or workforce preparation office,~~ that is, expenditures specified in subsections (d)(1), (d)(5), (d)(6), (d)(7), (d)(8), and (d)(9).
- b) No more than twenty-five (25) percent of each district's workforce preparation ~~economic/development~~ grant may be used for expenditures of equipment as specified in subsections (d)(4) and (d)(9)(A).
- c) Workforce preparation ~~economic/development~~ grant activities include the following:
 - 1) Conducting customized training programs for new or existing business and industry through the following activities:
 - A) Developing and offering customized industrial or commercially sponsored courses.
 - B) Establishing apprenticeship or internship programs with area business and industry.
 - 2) Providing the following employment training services training for unemployed or underemployed adults to improve their job skills and assist them in seeking employment.
 - A) Establishing and/or operating career counseling and testing programs.
 - B) Providing job placement assistance.
 - C) Conducting courses and workshops which are not claimed for credit hour grant funding.
 - 3) Cooperate with other economic development entities (such as chambers of commerce, economic development commissions, and local governments) involved in commercial and industrial expansion and/or retention to:

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- A) Provide assistance through special courses, workshops, and conferences to area business and industry and economic development entities on such topics as training; financing, starting, and operating a business; contract procurement; purchasing and accounting; and use of computers.
- B) Identify and develop educational programs needed by business and industry for emerging occupations.
- C) Obtain the use of equipment from business and industry for employment training programs.
- D) Assist with the conduct of an assessment of the area's assets and liabilities in attracting and retaining business and industry.
- E) Assist with the conduct of an industrial retention survey to assess the need for training or other assistance by area business and industry.
- F) Provide appropriate training assistance or services determined necessary by surveys or assessments.
- G) Help to market the area to prospective business and industry.
- 4) Cooperate with other community colleges, public universities, and private colleges to conduct assessments of need for higher education, to articulate the educational services being provided, and to develop telecommunications networks for instructional delivery and support.
- d) The following are allowable expenditures for workforce preparation ~~economic/development~~ grant funds:
 - 1) Personnel. Salaries and benefits for the following personnel based on the percentage of time they spend on workforce preparation economic/development activities.
 - A) Administrative and support staff of the business assistance centers, ~~or economic development, or workforce preparation offices.~~
 - B) Counselors that provide employment and educational counseling to unemployed or underemployed individuals.

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- C) Instructional personnel who teach courses, which are not eligible for credit hour grant funding, to unemployed or underemployed persons or who teach customized courses, which are not eligible for credit hour grant funding, for business and industry.
- D) Administrative and support staff needed to operate regional consortia designed to coordinate and support off-campus extension offerings of colleges and universities with that region of the state.
- 2) Contractual Services. Expenditures for professional services which are determined by the college to be more appropriately or efficiently provided by other public or private entities to complete specific programmatic work needed to conduct the district's workforce preparation and economic development activities.
- 3) Instructional Materials. Books, films, and testing/evaluation materials for use in courses taught to unemployed and underemployed individuals or persons receiving industrial or customized training designed for area business and industry.
- 4) Instructional Equipment. Lease or purchase of demonstrators, models, trainers, or other equipment for use in courses taught to unemployed and underemployed individuals or persons receiving customized training designed for area business and industry.
- 5) Promotional Materials. Brochures, newsletters, slide presentations, films, and advertisements used to market the districts' economic development services.
- 6) Staff Development. Seminars, courses, and conferences related to workforce preparation or economic development for administrative staff that spend 51 percent of their time working in the business assistance center/economic development/workforce preparation office.
- 7) Conference and Meeting Expenses. Expenses for conducting conferences and meetings related to workforce preparation ~~economic development~~ grant activities specified in subsection (c) at which workforce preparation grant ~~administrative~~ staff, business and industry, and/or economic development entities are in attendance.
- 8) Travel. Travel expenses related to workforce preparation ~~economic development~~ grant activities as specified in subsection (c) for staff specified in subsection (d)(1) and their supervisors.

- 9) The following are related costs of operating a business assistance center/economic development/workforce preparation office.

- A) Office equipment
- B) Utilities and telephone
- C) Consumable supplies
- D) Duplicating
- E) Facility rental

e) Workforce preparation grant funds designated for special state initiatives in an amount specified by the General Assembly shall be administered by the Board to ensure that the special state initiatives are implemented.

f) Reports of services and courses supported by the workforce preparation ~~economic development~~ grant shall be filed with the ICCB by August 1 following the end of the fiscal year on forms provided by the ICCB.

g) Workforce preparation ~~economic development~~ grant funds shall be accounted for in a set of self-balancing accounts within the restricted purposes fund.

h) Workforce preparation ~~economic development~~ grant funds shall be expended or obligated prior to June 30 each year. Goods for which funds have been obligated shall be received and paid for prior to September 30 following the end of the fiscal year for which the funds were appropriated. Funds for services, including salaries and benefits, may not be obligated for services rendered after June 30. Unexpended funds shall be returned to the ICCB by October 15 following the end of the fiscal year.

i) Workforce preparation ~~economic development~~ grant funds not used in accordance with this section shall be returned to the ICCB within six months after receipt of the external audit report by ICCB.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 1501.515 Advanced Technology Equipment Grants

- a) An annual grant shall be allocated to each Illinois public community college district in accordance with Section 2-16.01 of the Act.

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- b) Advanced technology equipment grant funds shall be accounted for in a set of self-balancing accounts within the Restricted Purposes Fund [see Section 1501.511(a)(4)].
- c) Allowable expenditures for advanced technology equipment grant funds are: demonstrators, models, trainers, and other instructional equipment needed for instruction or instructional support services ~~for the laboratory~~ for the laboratory, including connectors, interfacing equipment, computer software, computer peripherals, operating and repair instruction manuals, and instructional furnishings that are designed for and integral to the use of the instructional equipment, and telecommunications networks designed to interconnect with other colleges and extension centers within the district.
- d) By August 1 following the end of the fiscal year, the community college district shall file a report with the ICCB in a format prescribed by the ICCB, detailing how the funds were utilized.
- e) Advanced technology equipment grant funds shall be expended or obligated by June 30 of the year for which they were awarded. Goods for which funds have been obligated shall be received and paid for by September 30 following the end of the fiscal year for which the funds were awarded. Unexpended funds shall be returned to the ICCB by October 15 following the end of the fiscal year.
- f) Advanced technology equipment grant funds determined not to be expended in accordance with this section shall be returned to the ICCB within six months after receipt by ICCB of the external audit report.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

- 1) Heading of Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 925
- 3) Section Numbers: Proposed Action:
- | | |
|-----------------|-------------|
| 925.100 | New Section |
| 925.110 | New Section |
| 925.120 | New Section |
| 925.130 | New Section |
| 925.140 | New Section |
| 925.150 | New Section |
| 925.160 | New Section |
| 925. Appendix A | New Section |
- 4) Statutory Authority: Americans With Disabilities Act of 1990, 42 USC Section 12101 et seq., ("ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35.
- 5) A Complete Description of the Subjects and Issues Involved:
- This rulemaking establishes a grievance procedure required by the Act to resolve grievances asserted by qualified individuals with disabilities.
- The rules explain who may file a grievance and guides a complainant through the steps necessary to proceed to a resolution.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives:
- This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Agency will consider all written comments on this rulemaking received within 45 days of the date of this publication. Written comments should be addressed to:

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Illinois Environmental Protection Agency
 Attn: Rachel Doctors
 Post Office Box 19276
 Springfield, Illinois 62704
 (217)524-3333

12) Initial Regulatory Flexibility Analysis:

This rulemaking has no effect on small businesses.

The full text of the Proposed Rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

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TITLE 4: GRIEVANCE PROCEDURES
 CHAPTER XXXIV: ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

PART 925
 AMERICANS WITH DISABILITIES ACT
 GRIEVANCE PROCEDURE

Section	Purpose
925.100	Definitions
925.110	Procedure
925.120	Designated Coordinator Level
925.130	Final Level
925.140	Accessibility
925.150	Case-by-Case Resolution
925.160	

APPENDIX A: Grievance Form

AUTHORITY: Americans With Disabilities Act of 1990 (42 USC Section 12101 et seq.) and Section 35.107 of the Title II regulations (28 CFR Part 35).

SOURCE: Adopted at ____ Ill. Reg. ____, effective ____.

Section 925.100 Purpose

- a) The Americans with Disabilities Act Grievance Procedure (hereinafter referred to as "Procedure") is established pursuant to the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq., (hereinafter referred to as "ADA") and specifically Section 35.107 of the Title II regulations, 28 CFR Part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service, and activity offered by the Illinois Environmental Protection Agency (hereinafter referred to as "Agency"), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Agency to foster open communications with all individuals requesting readily accessible programs, services and activities. The Agency encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

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Section 925.110 Definitions

- a) "Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Agency, and believes he or she has been excluded from participation in, or denied the benefits of any program, service or activity of the Agency or has been subject to discrimination by the Agency.
- b) "Complainant" is an individual with a disability who files a Grievance Form provided by the Agency under this procedure.
- c) "Designated Coordinator" is the person(s) appointed by the Agency Director who is/are responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. See 28 CFR 35.107.

Section 925.120 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits.
It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Level.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Agency's last response.
- c) The Agency shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 925.130 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that

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purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.

- b) Upon request, assistance shall be provided by the Agency to complete the Grievance Form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Director within ten (10) business days after receipt of the Grievance Form.

Section 925.140 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Director of the Agency for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt of the complainant of the Designated Coordinator's response.
- b) The Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Director in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the Panel recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or

ENVIRONMENTAL PROTECTION AGENCY

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modifies the Panel recommendations, the Director shall include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Director shall be maintained in accordance with the "State Records Act, (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.)."

Section 925.150 Accessibility

The Agency shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

Section 925.160 Case-by-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Agency. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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APPENDIX A

GRIEVANCE FORM

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

GRIEVANCE

DISCRIMINATION BASED ON DISABILITY

It is the policy of the Illinois Environmental Protection Agency to provide assistance in filling out this form. If assistance is need, please ask.

NAME: _____

ADDRESS: _____

CITY, STATE AND ZIP CODE: _____

TELEPHONE NO.: _____ VOICE _____ TDD _____

Best Means and Time for Contacting: _____

Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination occurred: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of a requested reasonable modification, please fill out the following page.

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____

Date _____

IL 532 2092

ADM 197 6/92

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED RULES

1) Heading of Part: Procedures for White Goods Collection Grants2) Code Citation: 35 Ill. Adm. Code 8753) Section Numbers: Proposed Action:

875.100 New Section
 875.101 New Section
 875.102 New Section
 875.200 New Section
 875.201 New Section
 875.202 New Section
 875.203 New Section
 875.204 New Section
 875.205 New Section
 875.206 New Section
 875.207 New Section
 875.208 New Section
 875.209 New Section
 875.210 New Section
 875.300 New Section
 875.301 New Section
 875.302 New Section
 875.303 New Section
 875.304 New Section
 875.305 New Section
 875.400 New Section
 875.401 New Section
 875.402 New Section

4) Statutory Authority: Section 22.28 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.28).

5) A Complete Description of the Subjects and Issues Involved: Subsection 22.28(d) of the Environmental Protection Act ("Act") authorizes the Agency to provide financial assistance to units of local government from the Solid Waste Management Fund to plan for and implement programs to collect, transport and manage white goods. White goods are discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers and other similar domestic and commercial large appliances. This subsection also states what an application for financial assistance must contain. Subsection 22.28(f) authorizes the Agency to adopt rules necessary or appropriate to the administration of the grants.

The proposed rules contain the requirements for obtaining the grant, the criteria for fund disbursement, the actions that can be taken for noncompliance with grant conditions, and the auditing and records required from the grantee.

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Please fill out this part of the form if this grievance is based on the denial of a requested reasonable modification. Reasonable modifications could include such things as providing auxiliary aides and devices and changing some policies and/or requirements to allow an individual with a disability to participate. This form should be filled in to the extent you know the answers. It may be submitted even if incomplete.

Reasonable Modification Requested:

The Date the Reasonable Modification was Requested:

The Person to whom the Request was Made:

The Reason for the Denial:

Estimated Cost of Modification (If an Assistance Device, such as a TDD or optical reader, or Commodity or Service to which a Cost is Readily Known):

Why is the requested modification necessary to use or participate in the program, service, or activity?

Alternative modifications which may provide accessibility:

Any other information you believe will aid in a fair resolution of this grievance.

Please give to the Designated Coordinator of the Americans with Disabilities Program.

For Office Use Only

Date Received: _____ BY: _____

STANDARD FORM NO. 64

ENVIRONMENTAL PROTECTION AGENCY

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- 6) Will this proposed rule replace an emergency rule currently in effect? No
7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

If "yes", please specify the date: _____

- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes, one in proposed Section 875.202(b)(4).

- 9) Are there any other proposed amendments pending on this Part? No
Section Numbers Proposed Action Illinois Register Citation

- 10) Statement of Statewide Policy Objectives: These proposed rules do not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203(b)), in that it is a voluntary program.

- 11) Time, Place, and Manner: which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on these proposed rules may submit them in writing by no later than 45 days after publication of this notice to:

Susan J. Schroeder
Division of Legal Counsel
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 29, 1992
- B) Types of small businesses affected: No small businesses are affected. However, small municipalities have the opportunity to apply for these grants.
- C) Reporting, bookkeeping or other procedures required for compliance: Pursuant to proposed Sections 875.401 and 875.402, the grantee must maintain records to properly account for: (1) the receipt and disposition of all assistance and (2) costs charged to the project. In addition, the grantee must prepare a final report containing a summary of the work completed, a detailed evaluation of the project activities and impacts, and a summation of actual expenditures.
- D) Types of professional skills necessary for compliance: The services of a professional engineer or attorney are not required to comply with the proposed rules. A person with good recordkeeping or

accounting skills can fill out the records and reports required by the proposed rules. An individual with some degree of technical skill is needed to complete the application.

The full text of the Proposed Rule begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY
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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY
PART 875
PROCEDURES FOR WHITE GOODS COLLECTION GRANTS

SUBPART A: INTRODUCTION

Section
875.100 Purpose
875.101 Definitions
875.102 Severability

SUBPART B: WHITE GOODS COLLECTION GRANTS

Section
875.200 Grant Assistance Availability
875.201 Grant Assistance Criteria and Limitations
875.202 Requirements Applicable to Subagreements
875.203 Allocation
875.204 Required Content of Applications for White Goods Collection Grants
875.205 Agency Action on Application
875.206 Determination of Allowable Costs
875.207 Grant Award and Acceptance
875.208 Evaluation of Performance
875.209 Grant Payments
875.210 Project Changes

SUBPART C: NONCOMPLIANCE WITH GRANT CONDITIONS

Section
875.300 Agency Action for Noncompliance with Grant Conditions
875.301 Project Termination by Grantee
875.302 Covenant Against Contingent Fees
875.303 Statutory Conditions
875.304 Indemnity
875.305 Disputes

SUBPART D: AUDITING AND RECORDS

Section
875.400 Access
875.401 Audit and Records
875.402 Reports

AUTHORITY: Implementing and authorized by Section 22-28 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022-28).

ENVIRONMENTAL PROTECTION AGENCY
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SOURCE: Adopted at Ill. Reg. _____, effective _____.
NOTE: Capitalization denotes statutory language.

SUBPART A: INTRODUCTION

Section 875.100 Purpose

Section 22.28(d) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1022.28(d)) authorizes the Agency to:

PROVIDE FINANCIAL ASSISTANCE TO UNITS OF LOCAL GOVERNMENT FROM THE SOLID WASTE MANAGEMENT FUND TO PLAN FOR AND IMPLEMENT PROGRAMS TO COLLECT, TRANSPORT AND MANAGE WHITE GOODS. UNITS OF LOCAL GOVERNMENT MAY APPLY JOINTLY FOR FINANCIAL ASSISTANCE.

Section 875.101 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Act.
- b) For purposes of this Part, the following definitions apply:
 - "Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq.).
 - "Applicant" means a unit of local government that applies for a white goods collection grant.
 - "Component Treatment or Disposal" means the treatment or disposal through a hazardous waste facility of the white good components after they have been removed from the white goods.
 - "Grantee" means the unit of local government which has been awarded a grant for the collection, transportation, and management of white goods under Section 22.28 of the Act.
 - "Grant Agreement" means the written agreement and amendments thereto between the Agency and a grantee or applicant in which the terms and conditions governing the grant are stated and agreed to by both parties.
 - "White Goods" means ALL DISCARDED REFRIGERATORS, RANGES, WATER HEATERS, FREEZERS, AIR CONDITIONERS, HUMIDIFIERS, AND OTHER SIMILAR DOMESTIC AND COMMERCIAL LARGE APPLIANCES. (Section 22.28(c)(1) of the Act).

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"White Goods Collection Grant" or "WGC Grant" means grants issued pursuant to Section 22.28 of the Act and Subpart B of this Part.

"White Goods Components" means the component parts of white goods which are hazardous wastes in accordance with the Act, including any CHLOROFLUOROCARBON REFRIGERANT GAS, ANY ELECTRICAL SWITCHES CONTAINING MERCURY, AND ANY DEVICE THAT CONTAINS OR MAY CONTACT PCBs IN A CLOSED SYSTEM, SUCH AS DIELECTRIC FLUID FOR A CAPACITOR, BALLAST, OR OTHER COMPONENT. (Section 22.28(c)(2) of the Act).

"Polychlorinated Biphenyls" or "PCBs" means a commercial mixture produced by reacting known weights of chlorine with biphenyl and identified by Chemical Abstract Services (CAS) number 1336-36-3.

"State" means the State of Illinois.

"Subagreement" means a written agreement between the grantee and another party and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, including contracts for personnel and professional services and purchase orders.

Section 875.102 Severability

If any Section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, void, invalid, or otherwise unlawful, such adjudication shall not affect the validity of this Part as a whole, or any Section, subsection, sentence, or clause thereof not adjudged unconstitutional, void, invalid, or otherwise unlawful.

SUBPART B: WHITE GOODS COLLECTION GRANTS

Section 875.200 Grant Assistance Availability

- a) Subject to the availability of funding and the limitations and requirements set forth in this Part, grant assistance is available to units of local government for planning and collection programs for white goods and for the disposal and/or treatment of the white good components.
- b) UNITS OF LOCAL GOVERNMENT MAY APPLY JOINTLY FOR FINANCIAL ASSISTANCE UNDER THIS SECTION. (Section 22.28(d) of the Act).
- c) The state shall reimburse 70% of the eligible program costs.

- d) ALL MATERIALS COLLECTED OR RECEIVED UNDER A PROGRAM OPERATED WITH FINANCIAL ASSISTANCE UNDER THIS SECTION SHALL BE RECYCLED WHENEVER POSSIBLE. TREATMENT OR DISPOSAL OF COLLECTED MATERIALS ARE NOT ELIGIBLE FOR FINANCIAL ASSISTANCE UNLESS THE APPLICANT SHOWS AND THE AGENCY APPROVES WHICH MATERIALS MAY BE TREATED OR DISPOSED OF UNDER VARIOUS CONDITIONS. (Section 22.28(e) of the Act).

Section 875.201 Grant Assistance Criteria and Limitations

- a) The limits of assistance to be provided to a grantee will be as follows:
 - 1) Counties with a population of less than 100,000 are eligible to receive a WGC grant up to \$25,000;
 - 2) Counties with a population of greater than 100,000 are eligible to receive a WGC grant up to \$50,000;
 - 3) Municipalities with a population of less than 25,000 are eligible to receive a WGC grant up to \$10,000;
 - 4) Municipalities with a population of 25,000 to 500,000 are eligible to receive a WGC grant up to \$25,000;
 - 5) Municipalities with a population of greater than 500,000 are eligible to receive a WGC grant up to \$50,000.

Section 875.202 Requirements Applicable to Subagreements

- a) The following conditions shall apply to all subagreements:
 - 1) It is the policy of the Agency to encourage free and open competition appropriate to the type of project work to be performed.
 - 2) Only fair and reasonable profits may be earned by contractors in subagreements under Agency grants. Factors to be considered in determining a fair and reasonable profit shall include material acquisition, labor costs, associated management costs, contract risks, capital investments, degree of independent development, and cost control and recordkeeping efforts. The determination of a fair and reasonable profit shall not be based upon the application of a predetermined percentage factor.
 - 3) The grantee is responsible for the administration and successful accomplishment of the project for which the Agency grant is awarded. The grantee is responsible for the settlement and satisfaction of all contractual and administrative issues

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arising out of subagreements entered into under the grant. This includes, but is not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protest of award, claims, disputes and other procurement matters.

- 4) Neither the Agency nor the state shall be a party to any subagreements (including contracts or subcontracts), solicitation, or request for proposals.
- b) No subagreement shall be awarded to any person or organization which does not:
 - 1) Have adequate financial resources for performance, the necessary experience, organization, technical qualification, and facilities, or a firm commitment, arrangement, or ability to obtain such (including proposed subagreements);
 - 2) Have staffing sufficient to comply with the proposed or required completion schedule for the project;
 - 3) Have a satisfactory record of integrity, judgement, and performance, including in particular any prior performance under grants and contracts with the federal and state government;
 - 4) Have an adequate financial management system and audit procedure which complies with generally accepted accounting procedures and with American Institute of Certified Public Accountant's Professional Standards. (1211 Avenue of the Americas, N.Y., N.Y. 10036-8775, June, 1992). (This incorporation contains no later amendments or editions.);
 - 5) Maintain a standard of procurement in accordance with this Part;
 - 6) Maintain a property management system which provides adequate procedures for the acquisition, maintenance, safeguarding and disposition of all property; and
 - 7) Conform to the civil rights, equal employment opportunity, and labor law requirements of the state.
- c) The Agency retains the right to review and approve in accordance with this Part any subagreements to be entered into by the grantee in furtherance of the administration of the grant prior to execution of that subagreement. The Agency shall approve a subagreement only if the grantee demonstrates that the subagreement is in conformance with subsection (a) of this Section.

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Section 765.203 Allocation

a) FINANCIAL ASSISTANCE SHALL BE AWARDED FOR A STATE FISCAL YEAR, AND MAY BE RENEWED, UPON APPLICATION, IF THE AGENCY APPROVES THE OPERATION OF THE PROGRAM. (Section 22.28(d) of the Act).

b) Pursuant to the availability of funds, grant renewals will be awarded for no more than 3 consecutive years. Recipients requesting grants for more than a 3-year period must reapply at the end of the third year.

c) Recipients must comply with all reporting requirements set forth in Subpart C of this Part before consideration can be given for grant renewal.

Section 875.204 Required Content of Applications for White Goods Collection Grants

a) WGC grants will not be awarded unless complete applications are filed in accordance with requirements of this Section.

b) APPLICATIONS FOR WGC grants SHALL BE SUBMITTED TO THE AGENCY AND MUST PROVIDE A DESCRIPTION OF:

- 1) THE AREA TO BE SERVED BY THE PROGRAM;
- 2) THE WHITE GOODS INTENDED TO BE INCLUDED IN THE PROGRAM;
- 3) THE METHODS INTENDED TO BE USED FOR COLLECTING AND RECEIVING MATERIALS;
- 4) THE PROPERTY, BUILDINGS, EQUIPMENT, AND PERSONNEL INCLUDED IN THE PROGRAM;
- 5) THE PUBLIC EDUCATION SYSTEMS TO BE USED AS PART OF THE PROGRAM;
- 6) THE SAFETY AND SECURITY SYSTEMS THAT WILL BE USED;
- 7) THE INTENDED PROCESSING METHODS FOR EACH WHITE GOODS TYPE;
- 8) THE INTENDED DESIGNATION FOR FINAL MATERIAL HANDLING LOCATION; AND
- 9) ANY STAGING SITES USED TO HANDLE COLLECTED MATERIALS, THE ACTIVITIES TO BE PERFORMED AT SUCH SITES AND THE PROCEDURES FOR ASSURING REMOVAL OF COLLECTED MATERIALS FROM SUCH SITES. (Section 22.28(d) of the Act).

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c) Cost justification for the amount requested, including a budget for the expenses to be incurred, must be submitted to the Agency. The budget shall include:

- 1) Demonstration of source of funds for the local portions of the project.
- 2) Direct costs, which shall be itemized as follows:

- A) Equipment;
- B) Personal services;
- C) Fringe benefits;
- D) Supplies;
- E) Contractual support;
- F) Travel; and
- G) Other direct costs.

3) Indirect costs.

Section 875.205 Agency Action on Application

a) WGC grants shall be issued with budget periods concurrent with the state fiscal year. Applications for upcoming state fiscal years shall be due prior to May 1 of each year. The Agency will make awards by June 15 of each year.

b) The Agency will approve the application only if:

- 1) It satisfies the terms, conditions, and limitations of Section 875.204 of this Part, relevant statutes, and program regulations; and
- 2) Achievements of the proposed outputs is feasible, considering the applicant's existing problems, past performance under previous grants, program authority, organization, availability of local share resources, and proposed methodologies for accomplishing outputs.

c) The applicant will be notified in writing by the Agency if the application is disapproved.

Section 875.206 Determination of Allowable Costs

- a) The grantee will be paid, upon request, in accordance with Section 875.209, for the state share of all necessary costs within the scope of the approved project not to exceed the total grant offer and determined to be allowable in accordance with the following criteria.
- b) Allocable project costs of the grantee which are reasonable and necessary are allowable. Necessary costs may include, but are not limited to:

- 1) Purchase and/or lease costs of collection and processing equipment;
- 2) Costs of salaries and benefits of operating and management personnel;
- 3) White good component treatment or disposal at Agency preapproved disposal or recycling facilities;
- 4) Material transportation expenses; and
- 5) Materials acquired, consumed, or expended specifically for the project.

c) Costs associated with the purchase or lease of property, or building(s) for the project are unallowable costs.

d) Costs which exceed the total amount of the grant offer or which are not necessary for completion of the work required by the grant agreement are unallowable costs. Such costs include, but are not limited to:

- 1) Inspection or enforcement activities related to the project;
- 2) Personal injury compensation or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or otherwise;
- 3) Fines and penalties resulting from violations of, or failure to comply with, federal, state, or local laws;
- 4) Costs outside the scope of the approved collection project;
- 5) Ordinary operating expenses of local government, such as salaries and expenses of a mayor, city council members, or city attorney; and
- 6) Costs of equipment or material procured in violation of any provisions of this Part.

- e) The grantee shall seek to resolve any questions relating to cost availability or allocation at its earliest opportunity (if possible, prior to execution of the grant agreement). Final determinations by the Agency concerning the allowability of costs shall be conclusive unless appealed in accordance with Section 875.305 of this Part.
- f) Payment will not be authorized for costs incurred prior to the date of the grant award.

Section 875.207 Grant Award and Acceptance

When the Agency has approved an application, the Agency shall notify the applicant in writing with a grant award notification. Within 30 days of receipt of a grant award notification, the grantee shall notify the Agency in writing of its acceptance. Failure by the applicant to so notify the Agency shall terminate the grant award.

Section 875.208 Evaluation of Performance

- a) The Agency will oversee each grantee's performance under an accepted WGC grant. The Agency will evaluate grantee performance and progress toward completing the outputs in the approved work program according to the schedule. If the evaluation reveals that the grantee is not achieving one or more of the terms, conditions or limitations of the WGC grant, the Agency will attempt to resolve the situation through negotiation. If agreement is not reached, the Agency may impose any of the sanctions in Subpart C of this Part.
- b) The Agency will schedule quarterly meetings with the grantee to discuss the progress in meeting the requirements of the grant agreement and to determine whether the grantee will timely meet the requirements of the grant agreement.

Section 875.209 Grant Payments

- a) Requests for partial or final payment shall be sent to the Agency and shall demonstrate the performance of work in accordance with the terms of the grant agreement. Payments will only be made on a reimbursement basis according to the grant payment schedule.
- b) The grantee shall be paid in the state share of allowable costs incurred within the scope of an approved project not to exceed the total grant. Such payments must be in accordance with the payment schedule and the grant amount set forth in the grant award notification or any amendments thereto.
- 1) Request for Payment: The grantee may submit requests for payment for allowable costs incurred in accordance with the

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payment schedule. Upon receipt of a request for payment, subject to limitations set forth in the conditions of the grant, the Agency shall cause to be disbursed from available funds such amounts as are necessary so that the total amount of state payments to the grantee for the project is equal to the state share of the actual or estimated allowable project costs incurred to date, as certified by the grantee in its most recent request for payment.

- 2) Adjustment: At any time or times prior to final payment under the grant, the Agency may cause any request(s) for payment to be reviewed or audited. Each subsequent payment shall be subject to reduction for amounts included in the related request for payment which are found, on the basis of such review or audit, not to constitute allowable costs. Any payment will be reduced for overpayments or increased for underpayments on preceding requests for payment.

- 3) Schedule of Payments: Payments for project work will be paid in accordance with the schedule of payments established by a condition of the grant, subject to appropriation of funds by the Illinois General Assembly.

Section 875.210 Project Changes

- a) Prior approval by the Agency is required for project changes which may:
- 1) Increase the amount of state funds needed to complete the project, except that no change will be approved which either exceeds the grant offered or which exceeds the limitation provided for approvable contingencies;
 - 2) Alter the scope of the project by changing the methodologies or personnel to be used, as agreed to at the time of the grant award; or
 - 3) Extend any contractual or grant completion date for the project.
- b) The grantee shall notify the Agency in writing three weeks prior to the effective date of all proposed project changes. Failure on the part of the grantee to give timely notice of proposed project changes may, in accordance with Subpart C of this Part, result in:
- 1) Disallowance of costs incurred which are attributable to the change; or
 - 2) Termination of the grant.

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c) The Agency may disapprove proposed project changes by written notice to the grantee within 3 weeks after receipt of a written notice of a proposed change; however, neither approval nor failure to disapprove a project change shall commit or obligate the state or the Agency to any increase in the amount of the grant or payments thereunder and nothing herein shall operate to increase the amount of the grant.

d) Notwithstanding the provisions of subsections (a)-(c) of this Section, prior Agency approval is not required for changes having a cost of less than \$500.00. The total cost for all changes allowable under this provision shall not exceed one-half of one percent of the total grant offer.

e) The Agency will approve project changes if the grantee can make a showing that:

- 1) The original project cost approval was based on estimated costs or contractor bids where the actual costs or contractor bids were different;
- 2) Amendments to state statutes affect the project cost;
- 3) A project element was inadvertently omitted; or
- 4) An approved project element was found unnecessary.

SUBPART C: NONCOMPLIANCE WITH GRANT CONDITIONS

Section 875.300 Agency Action for Noncompliance with Grant Conditions

a) In addition to such other remedies as may be provided by law, in the event of noncompliance with any condition imposed pursuant to a WGC grant, the grant may be annulled and all grant funds recovered, or

- 1) The grant may be terminated;
- 2) The project work may be suspended;
- 3) An injunction may be entered by an appropriate court; or
- 4) Such other action may be taken by the Agency as the Director shall determine.

b) No action shall be taken under this Section without prior consultation with the grantee.

c) In determining whether to take action and which action to take when the Agency is empowered to act under this Subpart, the Agency shall

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consider factors such as the severity of the violation(s); the number of violations by the grantee; whether the violation is a continuing one; whether the grantee can remedy the violation; and whether the grantee and any subagreement parties remain capable of complying with the approved work project.

d) Recovery actions taken under this Section shall be pursuant to the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2301 et seq.).

Section 875.301 Project Termination by Grantee

The grantee may not terminate a project for which the grant has been awarded, except for good cause. Good cause for termination shall include, but not be limited to: realignment of programs, change in program requirements or priorities, lack of adequate funding, or advancements in the state of the art. If the Agency finds that there is good cause for termination of all or any portion of a project for which the grant has been awarded, it shall enter into a termination agreement or unilaterally terminate the grant, effective the date of termination of the project by the grantee. If the Agency finds that the grantee has terminated the project without good cause, then the grant shall be annulled and all grant funds previously paid or owing to the grantee shall be returned to the State Solid Waste Management Fund as final settlement.

Section 875.302 Covenant Against Contingent Fees

The grantee warrants that no person or agency has been employed or retained to solicit or secure this grant upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the Agency shall have the right to annul this grant without liability or in its discretion to deduct from the grant award, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

Section 875.303 Statutory Conditions

The grantee is solely responsible for assuring compliance with all statutory requirements.

Section 875.304 Indemnity

The grantee shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the grantee, the Agency, or third persons, and any injury to or death of any persons (including employees of the grantee) caused by, arising out of, or occurring in connection with the execution of any work, contract, or subcontract arising out of this grant, and the grantee shall indemnify, save harmless and defend the state and the Agency from all claims for any such loss, damage, injury, or death whether caused by

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the negligence of the state, the Agency, their agents or employees or otherwise consistent with the provisions of "AN ACT in relation to indemnity in certain contracts" (Ill. Rev. Stat. 1991, ch. 29, pars. 61 et seq.). The grantee shall require that any and all contractors of subcontractors engaged by the grantee shall agree in writing that they shall look solely to the grantee for performance of such contract or satisfaction of any and all claims arising thereunder.

Section 875.305 Disputes

- a) Only the grantee may appeal to the Agency under this provision with respect to its subagreements thereunder for its own name and benefit. Neither a contractor nor a subcontractor of a grantee may prosecute an appeal under the disputes provision of a grant in its own name or interest.
- b) Any dispute arising under this grant which is not disposed of by agreement shall be decided by the Director or his/her duly authorized representative, who shall reduce his/her decision to writing and mail or otherwise furnish a copy thereof to the applicant. The decision of the Director shall be final and conclusive.
- c) This Section does not preclude consideration of questions of law in connection with decisions provided for in subsection (b) of this Section.

SUBPART D: AUDITING AND RECORDS

Section 875.400 Access

- a) The Agency and any persons designated by the Agency shall have access to the premises where any portion of the work for which the grant was awarded is being performed during normal business hours and at any other time at which the work is being performed. Subsequent to cessation of the grant support, Agency personnel or any authorized representative shall have access to the project records, as defined in Section 875.401(a) of this Subpart, to the full extent of the grantee's right to access, during normal business hours.
- b) Any contract entered into by the grantee for work, and any subagreement thereunder, shall provide that the representatives of the Agency will have access to the work as described in subsection (a) of this Section and that the contractor or subcontractor will provide proper facilities for such access and inspection. Such contract or subagreement must also provide that the Agency or any authorized representative shall have access to any books, documents, papers, and records for the contractor or subcontractor which are pertinent to the project for the purpose of making an audit, examination, excerpts, and transcriptions thereof.

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- c) Any failure by the grantee or any contractor or subcontractor of the grantee to provide access, as provided herein, after 10 days written notice from the Agency, shall be cause for termination of the grant pursuant to Subpart C of this Part, and refund to the State Solid Waste Management Fund of any unexpended grant funds in the hands of the grantee, and in addition thereto, refund of any grant funds previously expended by the grantee, contractor, or subcontractor found in noncompliance with this Section.

Section 875.401 Audit and Records

- a) The grantee shall maintain books, records, documents, reports, and other evidentiary material and accounting procedures and practices that conform to generally accepted accounting principles to properly account for:
 - 1) The receipt and disposition by the grantee of all assistance received for the project, including both state assistance and any local share; and
 - 2) The costs charged to the project, including all direct and indirect costs of whatever nature incurred for the performance of the project for which the grant has been awarded. The foregoing constitute "records" for the purposes of this condition.
- b) The grantee's facilities, or such facilities as may be engaged in the performance of the project for which the grant has been awarded, and the grantee's records shall be subject to inspection and audit by the Agency or any authorized representative at the times specified in Section 875.400 of this Subpart.
- c) The grantee shall preserve and make his records available to the Agency or any authorized representatives:
 - 1) Until expiration of 3 years from the date of final payment under this grant; and
 - 2) For such longer period, if any, as is required by applicable statute or lawful requirement, or by subsections (d) or (e) of this Section.
- d) If this grant is terminated completely or partially, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final termination settlement.
- e) Records which relate to disputes and/or appeals, litigation or the settlement of claims arising out of the performance of the project

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for which this grant was awarded, or costs and expenses of the project as to which exception has been taken by the Agency or any of its duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

- f) Any failure by the grantee or any contractor or subcontractor of the grantee to make records available to the Agency as required by this Subpart after ten days written notice from the Agency, shall be cause for termination of the grant and refund to the State Solid Waste Management Fund of any unexpended grant funds in the hands of the grantee, and in addition thereto, refund of any grant funds previously expended by the grantee, contractor or subcontractor found in noncompliance with this Section.

Section 875.402 Reports

The grantee shall prepare and file with the Agency a final report containing a summary of the work completed, a detailed evaluation of the project activities and impacts, and a summation of actual expenditures. Failure to timely submit reports required by this grant offer may result in:

- a) Withholding of grant funds;
- b) Suspension of the grant;
- c) Termination of the grant; or
- d) Such other action as the Agency may be authorized to take.

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- 1) Heading of Part: Furniture Fire Safety Regulations
- 2) Code Citation: 41 Ill. Adm. Code 300
- 3) Section Numbers:

300.10	<u>Proposed Action:</u>
300.15	New Section
300.20	New Section
300.25	New Section
300.30	New Section
300.35	New Section
300.40	New Section
300.50	New Section

- 4) Statutory Authority: Section 15 of the Furniture Fire Safety Act (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 951-1 through 951-8).

- 5) A Complete Description of the Subjects and Issues Involved: These proposed rules are required to outline the fire safety specifications for seating furniture used or intended for use in specific occupancies to provide compliance with California Technical Bulletin 133, or if used in occupancies fully sprinklered throughout in conformance with NFPA 13 or Uniform Building Code 38.1, that the seating furniture must meet California Technical Bulletin 116 and 117. Special exemption provisions, labeling, documentation and enforcement procedures are also outlined in these proposed rules.

- 6) Will this proposed rules replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: These proposed rules do not affect units of local government.

- 11) Time, Place, and Manner in which interested parties may comment on this proposed rulemaking: Any interested parties may submit written comments for a period of 30 days following publication of this notice to Jack Ahern, Deputy State Fire Marshal, 1035 Stevenson Drive, Springfield, Illinois, 62703-4259.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 29, 1992.
- B) Types of small businesses affected: Furniture manufacturers and sellers.
- C) Reporting, recordkeeping or other procedures required for compliance: Labeling of furniture that complies with California Technical Bulletin 116, 117, and/or 133, and documentation of testing for office files of manufacturer and end-user.
- D) Types of professional skills necessary for compliance: Testing facilities capable of testing in conformance guidelines of California Technical Bulletin 116, 117, and/or 133.

The full text of the Proposed Rules begins on next page:

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TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 300
FURNITURE FIRE SAFETY REGULATIONS

Section	Scope
300.10	Definitions
300.15	Performance Standards & Testing Procedures
300.20	Exemptions
300.25	Labeling Requirements
300.30	Documentation
300.35	Furniture Granted Special Exemption
300.40	Enforcement
300.50	

AUTHORITY: Implementing and authorized by Section 15 of the Furniture Fire Safety Act (Ill Rev Stat. 1991, ch. 127 1/2, par. 951-1 through 951-8).

Source: Adopted at — Ill Reg. —, effective —.

Section 300.10 Scope

The standards and requirements of this Part are intended to be consistent with Ill. Rev. Stat. 1991, ch. 127 1/2, par. 951-1 through 951-8, and apply to seating furniture manufactured on or after March 1, 1991, that is used or intended for use in public occupancies.

Section 300.15 Definitions

"Child Day Care Center". Child Day Care Center means an occupancy, serving 12 or more children, 6 years of age or under, that provides care, maintenance, and supervision by other than their relative(s) or legal guardian(s), for less than 24 hours per day.

"Filling Materials". Filling materials means cotton, wool, kapok, feathers, down, hair, liquid, and any other material or substance, natural or man-made and any other prefabricated form, concealed or not concealed, to be used or that could be used in articles of seating furniture (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 951-2 (c)).

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"Health Care Facility". Health Care Facility are those occupancies used for purposes such as medical or other treatment, or care of persons suffering from physical or mental illness, disease or infirmity; and for the care of infants, convalescents, or infirm aged persons. Health care facilities provide sleeping facilities for the occupants or are occupied by persons who are mostly incapable of self-preservation because of age, physical or mental disability, or because of security measures not under the occupant's control. Health care occupancies include hospitals, nursing homes, custodial care facilities (nurseries, homes for the infirm aged, and mentally retarded care institutions), Supervisory care facilities and ambulatory care facilities (NFPA 101 (1985) Section 4-1.4).

"Manufacturer". Manufacturer means a person who, either by himself or through employees or agents, makes any article of seating furniture in whole or in part (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 951-2 (d)).

"N.F.P.A.". National Fire Protection Association, Batterymarch Park, Quincy, MA, 02269.

"Office." The Office of the State Fire Marshal.

"Penal Institutions". Penal institutions as defined in Ill. Rev. Stat., 1989, ch. 38, par. 31-6.

"Public Assembly Areas of Hotels and Motels". Areas containing 10 or more pieces of seating furniture, available to the public on an invitee, contractual, rental or license basis. These areas include restaurants, lobbies, meeting rooms, conference rooms, auditoriums, ballrooms, lounges, and other occupancies as defined and described in NFPA 101 (1985) Section 4-1.2, and found to be in the public areas of hotels and motels.

"Public Auditoriums and Stadiums". Areas containing individual fixed seating for 50 or more persons and used for entertainment, deliberation, amusement, sporting, musical and other events, such as in a theater, motion picture theater, lecture hall, as well as spectator seating areas of an arena, coliseum, or amphitheater, whether indoor or outdoor.

"Reupholstered". To replace filling materials or materials encasing or covering filling materials on an article of seating furniture.

"Seating Furniture". Any furniture, including children's furniture, movable or stationary, that is made of or with cushions or pillows, loose or attached, is itself stuffed or filled in whole or part with any filling material, or is or can be stuffed or filled in whole or part with any substance or material and its container and covering which can be used as a support for the body of a human being, or the limbs and feet when sitting or resting in an upright or reclining position (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 951-2 (b)).

"Sell". To sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease or possess with an intent to sell or dispose of in any other commercial manner (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 951-2 (a)).

"Technical Bulletin 116". State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, 3485 Orange Grove Avenue, North Highlands, California, 95660-5595, Technical Bulletin 116, "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Upholstered Furniture", as amended.

"Technical Bulletin 117". State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, 3485 Orange Grove Avenue, North Highlands, California, 95660-5595, Technical Bulletin 117, "Requirements, Test Procedures and Apparatus for Testing the Flame Retardance of Resilient Filling Materials Used in Upholstered Furniture", as amended.

"Technical Bulletin 133". State of California, Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation, 3485 Orange Grove Avenue, North Highlands, California, 95660-5595, Technical Bulletin 133, "Flammability Test Procedures for Seating Furniture for Use in Public Occupancies", as amended.

"Uniform Building Code". Uniform Building Code, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601.

Section 300.20 Performance Standards & Testing Procedures

a) Articles of seating furniture manufactured after March 1, 1991 that are used or intended for use in public occupancies or public assembly areas, as defined in this Part, that are not protected throughout by an approved automatic sprinkler system in accordance with NFPA 13, as amended, or the Uniform Building Code Standard 38-1, must meet the test requirements set forth in California Technical Bulletin 133, as amended, which is hereby incorporated by reference.

b) All applicable flammability requirements of this Part are to be considered performance standards. Testing under these standards shall be at the discretion of the manufacturer; however, products and materials offered for sale in this State shall meet applicable flammability requirements established by this Part. The manufacturer is not required to test every article of seating furniture manufactured. A manufacturer may establish classification systems appropriate to its specific products and may use representative tests of samples of furniture within those classifications to establish compliance with the fire safety requirements of this Part.

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- c) Articles of seating furniture manufactured after March 1, 1991 that are used or intended for use in public occupancies or public assembly areas as defined in this Part, and are placed in occupancies that are protected throughout by an approved automatic sprinkler system in accordance with either NFPA 13, as amended, or the Uniform Building Code, Standard 38-1, must meet the test requirements as set forth in Technical Bulletin 116 and Technical Bulletin 117, as amended, and which are hereby incorporated by reference.

Section 300.25 Exemptions

- a) Articles of seating furniture, other than juvenile furniture and furniture used for and in facilities designed for the care or treatment of humans, which meet any of the following criteria are exempt from compliance with the provisions of the Part:

- 1) Cushions and pads intended solely for outdoor use.
- 2) Any article which is smooth surfaced and contains no more than one-half inch of filling material, if such article does not have a horizontal surface meeting a vertical surface.
- 3) Articles manufactured solely for recreational use or physical fitness purposes, such as weightlifting benches, gymnasium mats or pads, sidehorses, and similar articles.
- b) Public occupancies and public assembly areas that are protected throughout by an approved automatic sprinkler system in accordance with either National Fire Protection Association (NFPA) Standard 13, as amended, or Uniform Building Code Standard 38-1 are exempt from the provisions of this Code, but must comply with test requirements as set forth in Technical Bulletin 117, as amended, and Technical Bulletin 116, as amended.

- c) Re-upholstered Furniture. An article of seating furniture in use in a public occupancy may be reupholstered without having to meet the performance standard of Section 300.20, provided that replacement filling material is fire retardant and that all filling material is completely encased in material designed to slow the spread of fire, increase escape time, prevent rapid combustion, insulate internal materials, and restrict generated gases. Reupholstered furniture shall meet the labeling requirements set forth in Section 300.30.

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Section 300.30 Labeling Requirements

- a) An article of seating furniture conforming to the requirements of Section 300.20(a) shall have a label permanently attached by the manufacturer to a surface of the article, stating the following:

"NOTICE

THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL BULLETIN 133. HOWEVER, CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES."

- b) An article of seating furniture conforming to the requirements of Section 300.20(c) shall have a label permanently attached by the manufacturer to a surface of the article, stating the following:

"NOTICE

THIS ARTICLE IS MANUFACTURED FOR USE IN PUBLIC OCCUPANCIES AND MEETS THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA TECHNICAL BULLETIN 116 AND TECHNICAL BULLETIN 117. HOWEVER, CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES."

- c) Re-upholstered Furniture. A re-upholstered article of seating furniture that meets the requirements of Section 300.25(c), and that is exempt from the requirements of Section 300.20, shall have a label permanently attached by the manufacturer to a surface of the article, stating the following:

"NOTICE

THIS ARTICLE HAS BEEN RE-UPHOLSTERED FOR USE IN PUBLIC OCCUPANCIES AND MEET THE FLAMMABILITY REQUIREMENTS OF 41 IL. ADM. CODE 300.25. THIS ARTICLE IS EXEMPT FROM THE FLAMMABILITY REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS TECHNICAL BULLETIN 133. HOWEVER, CARE SHOULD BE EXERCISED NEAR OPEN FLAME AND WITH BURNING CIGARETTES."

- d) Furniture Granted Special Exemption. Any article of seating furniture meeting the requirements set forth in Section 300.40, shall have a label permanently attached by the manufacturer to a surface of the article of furniture. The label shall indicate the exemption number and date, manufacturer's name and address, and must state the following:

"NOTICE

THIS ARTICLE HAS BEEN GIVEN A SPECIAL EXEMPTION BY THE OFFICE OF THE ILLINOIS STATE FIRE MARSHAL AND HAS NOT BEEN TESTED TO MEET THE REQUIREMENTS OF CALIFORNIA BUREAU OF HOME FURNISHINGS FLAMMABILITY REQUIREMENTS TECHNICAL BULLETINS 116, 117 OR 133. CARE SHOULD BE EXERCISED NEAR OPEN FLAME OR WITH BURNING CIGARETTES."

- b) The material covering the padding and filling material must be resistant to the spread of flame.
- c) The Office shall grant a special exemption within 30 days when the requirements above have been met. The Office will issue an exemption number and date, which shall be included on the label required in Section 300.30(d).
- d) A label as outlined in Section 300.30 (d) shall be permanently attached by the Manufacturer giving the exemption number and date, as well as the Manufacturer's name and address. The public occupancy must also maintain records of the article and the exemption.

Section 300.50 Enforcement

- a) Inspect, audit or review.

- 1) The Office shall inspect or audit the testing of seating furniture and shall review seating furniture records as necessary to verify compliance with the requirements of this Part. When requested by the Office, a manufacturer of seating furniture shall permit the Office to inspect or audit the testing of manufacturer's seating furniture and to review the manufacturer's documentation that an article complies with the applicable Technical Bulletins.

- 2) The Office shall inspect the labels to verify compliance with these requirements of this Part. The Office shall inspect and audit the documentation required for seating furniture as necessary to verify compliance.

- b) Removal or correction. When the Office has sufficient cause to believe that an article of seating furniture does not comply with this Part, and that the article is used or intended for use in a public occupancy, the Office shall order the removal or correction of the article as may be necessary for the enforcement of this Part and for the safeguarding of lives and property from fire.

- c) Administrative Hearing. The Office, upon request, shall conduct a hearing pursuant to the Illinois Administrative Procedures Act, as amended, to review the order to remove or correct (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 10).

- e) Size of Labels. Required labels shall be a minimum of two inches by three inches in size. All wording shall be in plainly legible capital letters not less than one-eighth inch in height. The label shall be attached in an area accessible by the inspector, but as to not hinder or interfere with the aesthetics of the article.

Section 300.35 Documentation

When a manufacturer labels an article of seating furniture under the requirements of Section 300.30, the manufacturer shall maintain a written record documenting the basis upon which it determined that the article met the requirements of Section 300.20. The documentation must include test data showing that at least one article of seating furniture was tested in conformance with and met the requirements of the applicable Technical Bulletin. The documentation must also clearly demonstrate that the labeled article would meet Technical Bulletins outlined in this Part based on comparisons to the test data. Copies of this documentation shall be transferred to the buyer or their agent upon sale of said furniture.

Section 300.40 Furniture Granted Special Exemption

A public occupancy may request a special exemption from the provisions of these rules when testing of the seating furniture is prohibitive due to the uniqueness of the seating furniture and its particular function. The procedure for requesting a special exemption shall be:

- a) The public occupancy must submit documentation from the Manufacturer to the Office proving all of the following:

- 1) That the particular seating furniture is of a unique construction and design that is required for a particular function, and
- 2) That no other article of seating furniture will provide the same function, and
- 3) That the manufacturer of the furniture refuses to submit the item to testing, and
- 4) That no other manufacturer produces the item, or that all manufacturers have similarly refused, and
- 5) That the item is not customarily manufactured for and used in public occupancies or is a specialized design manufactured in only limited quantities.

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1) The Heading of the Part: Administrative and Judicial Review

2) Code Citation: 62 Ill. Adm. Code 1847

3) Section Number:

1847.1 New Section
1847.2 New Section
1847.3 New Section
1847.4 New Section
1847.5 New Section
1847.6 New Section
1847.7 New Section
1847.8 New Section
1847.9 New Section

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Proposed new Part 1847 contains provisions for the various types of administrative hearings held before the Department. Currently, administrative review provisions are scattered throughout various Parts and Sections of the Department's rules, and it is often unclear what procedural rules apply to the various hearings. By reorganizing to include all administrative review proceedings in one Part, the Department hopes to add consistency and clarity to its rules.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed rules will have no impact on local units of government.

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11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1847
ADMINISTRATIVE AND JUDICIAL REVIEW

Section

- 1847.1 Scope
- 1847.2 Construction
- 1847.3 Permit Hearings
- 1847.4 Citation Hearings
- 1847.5 Civil Penalty Assessment Hearings
- 1847.6 Show Cause Hearings
- 1847.7 Bond Forfeiture Hearings
- 1847.8 Individual Civil Penalty Hearings
- 1847.9 Bond Release Hearings

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____.

Section 1847.1 Scope

Proceedings under this Part are subject to the general rules relating to procedure and practice at 62 Ill. Adm. Code 1848 and to Article 10 of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, pars. 1010-5 et seq., as amended by P.A. 87-823, effective July 1, 1992).

Section 1847.2 Construction

These rules shall be construed to achieve the just, timely and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved.

Section 1847.3 Permit Hearings

- a) Within thirty (30) days after an applicant is mailed written notice of the Department's final decision concerning an application for approval of exploration required under 62 Ill. Adm. Code 1772, a permit for surface coal mining and reclamation operations, a permit revision, a permit renewal, a permit rescission or a transfer, assignment, or sale of permit rights, the applicant, or any person with an interest which is or may be adversely affected, may file a written request for a hearing to contest the decision. Failure to file a request for hearing within this thirty (30) day time period

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shall result in a waiver of the right to such hearing; requests for hearing filed after the expiration of the thirty (30) day time period shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12.

b) The hearing request shall state:

- 1) The petitioner's name and address;
- 2) A clear statement of the facts entitling the petitioner to relief, including the petitioner's interest(s) which is or may be adversely affected by the Department's final decision;
- 3) How the Department's final decision may or will adversely affect the interest(s) specified;
- 4) An explanation of each specific alleged error in the Department's final decision, including reference to the statutory and/or regulatory provisions allegedly violated;
- 5) The specific relief sought from the Department; and
- 6) Any other relevant information.

c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

d) Unless a pre-hearing conference has been scheduled or unless the person requesting the hearing waives the thirty (30) day time limit, the Department shall start the hearing within thirty (30) days of the hearing request. No person who presided at an informal conference under 62 Ill. Adm. Code 1773.13(c) or a public hearing under 62 Ill. Adm. Code 1773.14 shall either preside at the hearing or participate in the decision following the hearing.

e) Notice of hearing. The petitioner and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office.

f) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public at least sixty (60) days after the Director's decision referred to in subsection (j) is issued.

g) Burden of proof. The party seeking to reverse the Department's

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decision shall have the burden of proving that the Department's decision was clearly erroneous.

- h) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.
- i) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.
- j) Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.
- k) Request for temporary relief.

- 1) Any party may file a request for temporary relief at any time prior to a decision by the hearing officer, so long as the relief sought is not the issuance of a permit where a permit application has been disapproved in whole or in part. The request for temporary relief shall include:

- A) A detailed written statement setting forth the reasons why relief should be granted;
- B) A statement of the specific relief requested;
- C) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceeding; and
- D) A showing that the relief sought will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air or water resources.

- 2) The hearing officer may hold a hearing on any issue raised by the request for temporary relief.
- 3) Within fifteen (15) days after the close of the record on the request for temporary relief, the hearing officer shall

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issue an order or decision granting or denying such temporary relief. Temporary relief may be granted only if:

- A) All parties to the proceeding have been notified and given an opportunity to be heard on the request for temporary relief;
 - B) The person requesting such relief shows a substantial likelihood of prevailing on the merits of the final determination of the proceeding;
 - C) Such relief will not adversely affect the public health or safety, or cause significant, imminent environmental harm to land, air or water resources; and
 - D) The relief sought is not the issuance of a permit where a permit has been denied by the Department, in whole or in part, except that continuation under an existing permit shall be allowed where the applicant has a valid permit issued pursuant to 62 Ill. Adm. Code 300.
- 1) Judicial review. Following service of the Department's final administrative decision, any party may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112). Such review shall not be construed to limit rights established in Section 8.05 of the State Act.

Section 1847.4 Citation Hearings

- a) A person issued a notice of violation or cessation order under 62 Ill. Adm. Code 1843.11 or 1843.12, or a person having an interest which is or may be adversely affected by the issuance, modification, vacation, or termination of a notice of violation or cessation order, may request review of that action by filing a request for hearing within thirty (30) days after receiving notice of the action. No extension of time will be granted for filing a request for hearing.
- b) Failure to file a request for hearing in accordance with subsection (a) shall not preclude challenging the fact of violation during a civil penalty review proceeding pursuant to 62 Ill. Adm. Code 1847.5.
- c) If a hearing has been requested and a civil penalty is subsequently assessed for the notice of violation or cessation order for which the hearing was requested, the proposed penalty assessment must be forwarded to the Department, in accordance with Section

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1847.5(c), within thirty (30) days of receipt of the proposed assessment, for placement in escrow, in order to continue the review proceedings. Failure to forward the money to the Department within thirty (30) days of receipt of the proposed penalty assessment shall result in a waiver of all legal rights to contest both the fact of the violation and the amount of the penalty; requests for hearing filed after the expiration of the thirty (30) day time period shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12.

d) Contents of request. The hearing request shall include:

- 1) A statement of facts entitling the person to relief;
- 2) A statement indicating the reasons why the fact of the violation is being contested;
- 3) A statement of the specific relief requested; and
- 4) Any other relevant information.

e) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

f) Notice of hearing. The applicant and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office, at the mine site, and to the extent possible in a newspaper of general circulation in the area of the mine at least five (5) days prior to the hearing.

g) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the Director's decision referred to in subsection (k) is issued.

h) Burden of proof.

1) In citation hearing proceedings conducted under this Section, the Department shall have the burden of going forward to establish a prima facie case as to the validity of the notice, order, or modification, vacation or termination thereof.

2) The ultimate burden of persuasion shall rest with the person who requested the hearing.

i) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.

j) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.

k) Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.

l) The filing of a request for hearing under this Section shall not operate as a stay of any notice or order, or of any modification, termination, or vacation of any notice or order.

m) Settlement agreement.

1) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice or order was issued will be deemed to have waived all right to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

2) If full payment of the amount specified in the settlement agreement is not received by the Department within the agreed upon period after the date of signing, the Department may enforce the agreement or rescind it and proceed to collect the original face amount of the assessment within thirty (30) days from the date of the rescission.

n) Summary disposition. Where the person against whom the notice of violation or cessation order was issued fails to appear at a hearing requested by him, that person will be deemed to have waived his right to a hearing and the hearing officer may assume for purposes of the proceeding:

1) That each violation listed in the notice of violation or cessation order occurred; and

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- 2) The truth of any facts alleged in such notice or order.

o) Temporary relief.

1) Pending completion of a hearing held under this Section, the applicant may file with the Department a written request for temporary relief from any notice or order issued under Section 8.06 of the State Act. The applicant shall not apply to the courts for immediate injunctive relief until a written order or decision granting or denying temporary relief is issued by the hearing officer.

2) When to file. An application for temporary relief may be filed by any party to a proceeding under this Section at any time prior to a decision by the hearing officer.

3) Contents of application. The application for temporary relief shall include:

A) A detailed written statement setting forth the reasons why relief should be granted;

B) A showing that there is a substantial likelihood that the findings of the Department will be favorable to the applicant;

C) A statement that the relief sought will not adversely affect the health and safety of the public or cause significant, imminent environmental harm to land, air or water resources;

D) If the application relates to an order of cessation issued pursuant to Section 8.06(b) or (c) of the State Act, a statement of whether the requirement of Section 8.07(d) of the State Act for decision on the request within five (5) days is waived; and

E) A statement of the specific relief requested.

4) Determination on application.

A) If the five (5) day requirement of Section 8.07(d) of the State Act is waived, the hearing officer shall expeditiously conduct a hearing and render a decision on the application for temporary relief.

B) If there is no waiver of the five (5) day requirement of Section 8.07(d) of the State Act, the following special

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rules shall apply:

- i) The five (5) day time for decision shall not begin to run until the application is received by the hearing officer.
- ii) The applicant shall serve all parties with a copy of the application simultaneously with the filing of the application. If service is accomplished by mail, the applicant shall inform such other parties by telephone at the time of mailing that an application is being filed, the contents of the application and with whom the application was filed.

iii) All parties may indicate their objection to the application by communicating such objection to the hearing officer and the applicant by telephone. All parties shall simultaneously reduce their objections to writing. The written objections must be immediately filed with the hearing officer and served upon the applicant.

iv) Upon receipt of the application the hearing officer shall immediately schedule a hearing and inform all parties of the time, date and location of the hearing by telephone. The hearing officer shall reduce such communication to writing in the form of a memorandum to the file. Such hearing may be conducted by telephone if all parties are so amenable.

v) The hearing officer shall either rule from the bench on the application for temporary relief, orally stating the reasons for his decision, or he shall within twenty-four (24) hours of completion of the hearing issue a written decision.

vi) The order or decision of the hearing officer shall be issued within five (5) working days of the receipt of the application for temporary relief.

vii) If at any time after the initiation of this expedited procedure, the applicant requests a delay or acts in a manner so as to frustrate the expeditious nature of this proceeding or fails to supply the information required by subsection (o)(3), such action shall constitute a waiver of

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the five (5) day requirement of Section 8.07(d) of the State Act.

5) Temporary relief may be granted under such conditions as the hearing officer may prescribe, if:

- A) Unless waived, a hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;
 - B) The applicant shows that there is substantial likelihood that the findings of the Department will be favorable to him; and
 - C) Such relief will not adversely affect the health and safety of the public or cause significant, imminent environmental harm to land, air or water resources.
- p) Judicial review. Following service of the Department's final administrative decision, the permittee or any affected person may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112).

Section 1847.5 Civil Penalty Assessment Hearings

a) Within thirty (30) days after receipt of a proposed civil penalty assessment, the person against whom the proposed penalty was assessed may request a hearing to contest the fact of the violation or the proposed penalty by filing a written request for hearing.

b) The request for hearing shall include:

- 1) A short and plain statement indicating the reasons why either the amount of the penalty or the fact of the violation is being contested;
 - 2) Identification by number of all violations being contested; and
 - 3) The identifying number of the cashier's check, certified check, bank draft, personal check, or bank money order accompanying the hearing request.
- c) The hearing request shall be accompanied by:
- 1) Full payment of the proposed assessment in the form of a cashier's check, certified check, bank draft, personal check

or bank money order made payable to the Illinois Department of Mines and Minerals to be placed in an escrow account pending final determination of the assessment; and

- 2) On the face of the payment an identification by number of the violation(s) for which payment is being tendered.
- d) Failure to file the proposed penalty assessment with the Department within thirty (30) days of receipt of the proposed penalty assessment shall result in a waiver of all legal rights to contest both the fact of the violation and the amount of the penalty.
- e) No extension of time will be granted for full payment of the proposed penalty assessment. If payment is not made within the time period established in this Section, the fact of the violation and the appropriateness of the amount of the penalty shall be deemed admitted, the request for hearing shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12, and the civil penalty assessment shall become a final administrative decision of the Department.
- f) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- g) The applicant and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office, at the mine site, and to the extent possible in a newspaper of general circulation in the area of the mine at least five (5) days prior to the hearing.
- h) Settlement agreement.
 - 1) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice or order was issued will be deemed to have waived all right to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.
 - 2) If full payment of the amount specified in the settlement agreement is not received by the Department within the agreed upon period after the date of signing, the Department may enforce the agreement or rescind it and proceed to collect the original face amount of the assessment within thirty (30) days from the date of the rescission.

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i) Summary disposition.

- 1) Where the person against whom the proposed civil penalty is assessed fails to appear at a hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume for purposes of the assessment:

- A) That each violation listed in the notice of violation or cessation order occurred; and
- B) The truth of any facts alleged in such notice or order.

- 2) In order to issue an order or decision assessing the appropriate penalty when the person against whom the proposed civil penalty was assessed fails to appear at the hearing, the hearing officer shall either conduct an ex parte hearing or require the Department to furnish proposed findings of fact and conclusions of law.

- j) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the decision of the Director referred to in subsection (n) has been issued.

- k) Burden of proof. In civil penalty review proceedings, the Department shall have the burden of going forward to establish a prima facie case as to the fact of the violation and the amount of the civil penalty and the ultimate burden of persuasion as to the amount of the civil penalty. The person who requested the hearing shall have the ultimate burden of persuasion as to the fact of the violation.

- 1) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.

- 1) If the hearing officer finds that:

- A) A violation occurred or that the fact of the violation is uncontested, he shall establish the amount of the penalty giving due weight to the Department's proposed civil penalty assessment amount;

- B) No violation occurred, he shall issue an order that the proposed assessment be returned to the petitioner.

- 2) If the hearing officer reduces the amount of the civil penalty below that of the Department's proposed assessment, the Department shall within thirty (30) days remit the appropriate amount to the person who made the payment, with interest at the rate of six (6) percent, or at the prevailing United States Department of the Treasury rate, whichever is greater.

- 3) If the hearing officer increases the amount of the civil penalty above that of the Department's proposed assessment, the hearing officer shall order payment of the appropriate amount within thirty (30) days of receipt of the decision.

- m) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.

- n) Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.

- o) Judicial review. Following service of the Department's final administrative decision, the permittee or any affected person may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112).

Section 1847.6 Show Cause Hearings

- a) Whenever a show cause order is issued under 62 Ill. Adm. Code 1843.13, the permittee shall have thirty (30) days from the completion of service of the show cause order in which to file an answer and request a hearing.

- b) Contents of answer. The permittee's answer to a show cause order shall contain a statement setting forth:

- 1) A detailed explanation as to why a pattern of violations does not exist or has not existed, including all reasons for contesting:

- A) The fact of any of the violations alleged by the Department as constituting a pattern of violations;

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- B) The willfulness of such violations; or
 - C) Whether such violations were caused by the unwarranted failure of the permittee;
 - 2) All mitigating factors the permittee believes exist in determining the terms of the revocation or the length and terms of the suspension;
 - 3) And other alleged relevant facts; and
 - 4) Whether a hearing on the show cause order is desired.
- c) Show cause hearings shall be held at the Department's Springfield, Illinois office.
- d) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

stenographically. Such record shall be maintained and shall be available to the public at least sixty (60) days after the Director's decision referred to in subsection (1) is issued.

j)

Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request. The hearing officer's proposed decision shall include a determination as to whether a pattern of violations exists and, if appropriate, a proposed order suspending or revoking the permit. Permit suspension shall be imposed if the hearing officer determines that this remedy creates less potential harm to the environment and to the health and safety of the public than permit revocation.

k)

Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.

l)

Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.

m)

Failure to file a timely answer or request for hearing on a show cause order upon which service is deemed complete under 62 Ill. Adm. Code 1843.14 shall, upon motion of the Department in accordance with 62 Ill. Adm. Code 1848.12, result in the Department's issuance of an order suspending or revoking the permit and the permittee's right to mine, which shall constitute the Department's final administrative decision in the matter.

n)

Judicial review. Following service of the Department's final administrative decision, the permittee may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112).

Section 1847.7 Bond Forfeiture Hearings

Bond Forfeiture Hearings

a)

Time for request. After receipt of bond forfeiture notification in accordance with 62 Ill. Adm. Code 1800.50(a)(1), the permittee may request a hearing. The hearing must be requested within fifteen (15) days of the permittee's receipt of bond forfeiture

f) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person to whom the show cause order was issued will be deemed to have waived all right to further review of the show cause order, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

g) Summary disposition. Where the person to whom the show cause order was issued fails to appear at the hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume the truth of any facts alleged in the show cause order.

h) Burden of proof. In proceedings to suspend or revoke a permit, the Department shall have the burden of going forward to establish a prima facie case for suspension or revocation of the permit. The ultimate burden of persuasion that the permit should not be suspended or revoked shall rest with the permittee.

i) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded

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notification. If the permittee does not request a hearing within fifteen (15) days of receipt of the bond forfeiture notification, the Department shall issue a final administrative decision ordering forfeiture. The Department's final administrative decision ordering bond forfeiture shall be transmitted to the Attorney General for collection at the expiration of the time to perfect administrative review pursuant to subsection (1).

- b) Bond forfeiture hearings shall be held at the Department's Springfield, Illinois office.
- c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- d) Notice of hearing. All parties shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the Department's offices.

e) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person to whom the bond forfeiture notification was issued will be deemed to have waived all right to further review of the bond forfeiture notification, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

f) Summary disposition. Where the person to whom the bond forfeiture notification was issued fails to appear at the hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume the truth of any facts alleged in the bond forfeiture notification.

g) Burden of proof. In bond forfeiture proceedings the Department shall have the burden of going forward to establish a prima facie case for bond forfeiture. The ultimate burden of persuasion that the bond should not be forfeited shall rest with the permittee.

h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public at least sixty (60) days after the Director's decision referred to subsection (k) is issued.

i) Within thirty (30) days after the close of the record for the bond forfeiture hearing, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact,

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conclusions of law and an order adjudicating the bond forfeiture determination.

- j) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.

- k) Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.

- 1) The Department's final administrative decision may be appealed in accordance with Article III of the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112).

Section 1847.8 Individual Civil Penalty Hearings

- a) Scope. These regulations govern administrative review of proposed individual civil penalty assessments under Section 8.04(f) of the State Act against a director, officer or agent of a corporation. An individual served a notice of proposed individual civil penalty assessment under 62 Ill. Adm. Code 1846 may file a petition for review with the Department in accordance with this Section.

- b) Time for filing.

- 1) A petition for review of a notice of proposed individual civil penalty assessment must be filed within thirty (30) days of its service on the individual.

- 2) No extension of time will be granted for filing a petition for review of a notice of proposed individual civil penalty assessment. Failure to file a petition for review within the time period provided in subsection (b)(1) shall be deemed an admission of liability by the individual and the notice of proposed assessment shall become a final administrative decision of the Department.

- c) Contents of petition. An individual filing a petition for review of a notice of proposed individual civil penalty assessment shall provide a concise statement of the facts entitling the individual to relief.

- d) Any party to the hearing may request that a pre-hearing conference

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be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

e) Notice of hearing. The hearing officer shall give notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 to all interested parties at least five (5) working days prior thereto.

f) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person against whom the individual civil penalty was proposed to be assessed will be deemed to have waived all right to further review of the proposed assessment, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

g) Summary disposition. Where the person against whom the individual civil penalty was proposed to be assessed fails to appear at the hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume the truth of any facts alleged in the notice of proposed individual penalty assessment.

h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public at least sixty (60) days after the Director's decision referred to in subsection (1) is issued.

i) Elements; burdens of proof.

1) The Department shall have the burden of going forward with evidence to establish a prima facie case that the individual was a corporate director, officer or agent of a corporate permittee who knowingly and willfully authorized, ordered or carried out a violation, failure or refusal under 62 Ill. Adm. Code 1846. A showing that the Department served the individual with a notice of proposed individual civil penalty assessment in accordance with 62 Ill. Adm. Code 1846.17, that at the time of such service the individual was a director, officer or agent of the corporate permittee and that a violation that was the subject of the cessation order issued to the corporate permittee has not been abated is sufficient to establish the Department's prima facie case.

2) The individual shall have the ultimate burden of persuasion by a preponderance of the evidence as to the elements set forth in subsection (i)(1).

j) Within thirty (30) days after the close of the record, the hearing

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officer shall issue and serve, by certified mail, each party who participated in the hearings with a proposed decision consisting of proposed written findings of fact, conclusions of law on each of the elements set forth in subsection (i)(1) and an order adjudicating the hearing request.

k) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.

l) Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.

m) Judicial review. The Department's final administrative decision shall be appealed in accordance with Article III of the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112.)

Section 1847.9 Bond Release Hearings

a) A hearing requested pursuant to 62 Ill. Adm. Code 1800.40(e) shall be held within thirty (30) days after receipt of the request for hearing.

b) Bond release hearings shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State capital, at the option of the objector.

c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

d) Notice of hearing. All parties shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. The Department shall advise the date, time and location of the hearing in a newspaper of general circulation in the locality of the surface coal mining operation for two (2) consecutive weeks.

e) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person with whom the settlement is reached will be deemed to have waived all right to further review of the proposed bond release, except as otherwise

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expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

f) Summary disposition. Where the person who requested the hearing fails to appear at the hearing, that person will be deemed to have waived his right to a hearing.

g) Burden of proof. The party seeking to reverse the Department's proposed release of bond shall have the burden of proving that the Department's decision was clearly erroneous.

h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public at least sixty (60) days after the Director's decision referred to subsection (k) is issued.

i) Within thirty (30) days after the close of the record for the bond release hearing, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.

j) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated.

k) Within thirty (30) days after the issuance of the hearing officer's proposed decision, the Director shall issue the Department's final administrative decision affirming, modifying or vacating the hearing officer's decision. Service of this final administrative decision shall be deemed complete upon mailing.

l) The Department's final administrative decision may be appealed in accordance with Article III of the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112).

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NOTICE OF PROPOSED REPEALER

1) The Heading of the Part: Administrative and Judicial Review of Decisions

2) Code Citation: 62 Ill. Adm. Code 1775

3) Section Number: Proposed Action:
1775.1 Repealed
1775.11 Repealed
1775.13 Repealed

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Part 1775 sets forth requirements and procedures for administrative and judicial review of Department decisions. It is being repealed due to the Department's reorganization of its hearing rules in this rulemaking. Substantively, the bulk of Part 1775 has been incorporated into proposed new Part 1847, which sets forth requirements and procedures for administrative and judicial review of Departmental actions.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed repealer of Part 1775 will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300

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P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Repealer begins on the next page.

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NOTICE OF PROPOSED REPEALER

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1775

ADMINISTRATIVE AND JUDICIAL
REVIEW OF DECISIONS (REPEALED)

Section

- 1775.1 Scope and Purpose
- 1775.11 Administrative Hearing
- 1775.13 Judicial Review

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 7965, effective July 1, 1987; repealed at _____ Ill. Reg. _____, effective _____.

Section 1775.1 Scope and Purpose

This Part provides requirements for administrative and judicial review of decisions on permits issued by the Illinois Department of Mines and Minerals (Department).

Section 1775.11 Administrative Hearing

- a) Within thirty (30) days after an applicant is mailed written notice of the Department's final decision concerning an application for approval of exploration required under 62 Ill. Adm. Code 1772, a permit for surface coal mining and reclamation operations, a permit revision, a permit renewal, or a transfer, assignment, or sale of permit rights, the applicant, or any person with an interest which is or may be adversely affected, may request a hearing on the reasons for the decision. This hearing shall be conducted in accordance with Sections 10 through 15 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1010-1015), with Sections 2.11 and 8.09 of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985, ch. 96 1/2, pars. 7902.11 and 7908.09) (State Act) and in accordance with this Section.

b) The hearing request shall state:

- 1) The requestor's name and address.
- 2) The interest(s) which is or may be adversely affected by the Department's final decision.

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- 3) How the Department's final decision may or will adversely affect the interest(s) specified.
- 4) The relief sought from the Department.
- c) At the request of any party, a pre-hearing conference shall be scheduled by the hearing officer:
 - 1) To define the factual and legal issues to be litigated at the administrative hearing.
 - 2) To set a discovery schedule for the administrative hearing, in accordance with 62 Ill. Adm. Code 1843.21.
 - 3) To hear oral arguments on any pending motions.
 - 4) To schedule a date for the administrative hearing.
 - 5) To arrive at an equitable settlement of the hearing request, if possible.

d) Unless a pre-hearing conference has been scheduled, the Department shall start the administrative hearing within thirty (30) days of the hearing request. The hearing shall be on the record and adjudicatory in nature. No person who presided at an informal conference under 62 Ill. Adm. Code 1773.13(c) or public hearing under 62 Ill. Adm. Code 1773.14 shall either preside at the hearing or participate in the decision following the hearing.

e) The Department shall grant temporary relief pending final determination of the proceeding, if:

- 1) All parties to the proceeding have been notified and given an opportunity to be heard on a request for temporary relief;
- 2) The person requesting that relief shows that there is a substantial likelihood that he or she will prevail on the merits of the final determination of the proceeding;
- 3) The relief sought will not adversely affect the public health or safety, or cause significant, imminent environmental harm to land, air, or water resources; and
- 4) The relief sought is not the issuance of a permit where a permit has been denied, in whole or in part, by the Department except that continuation under an existing permit shall be allowed where the applicant has a valid permit issued pursuant

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to 62 Ill. Adm. Code 300.

f) The hearing shall be conducted under the following conditions:

- 1) The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery, and take evidence, including, but not limited to, site inspections of the land to be affected and other surface coal mining and reclamation operations carried on by the applicant in the general vicinity of the proposed operations. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1843.21.
- 2) A verbatim record of the administrative hearing shall be made, and a transcript made available on request of any party or by order of the hearing officer.
- 3) Ex parte contacts between the parties, and their representatives, and the hearing officer, are prohibited.

g) The party seeking to reverse the Department's decision shall have the burden of proving that the Department's decision was clearly erroneous.

h) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the administrative hearing with written findings of fact, conclusions of law and an order adjudicating the hearing request. The hearing officer's decision shall constitute the Department's final administrative decision. Service of this final administrative decision shall be deemed complete upon mailing.

Section 1775.13 Judicial Review

a) Any person with an interest which is or may be adversely affected and who has participated in the administrative hearing under Section 1775.11 may appeal, as provided in subsection (b), if:

- 1) The person is aggrieved by the Department's final administrative decision; or
- 2) The hearing officer failed to act within the time limits specified in the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), the State Act or Section 1775.11.

b) The Department's final administrative decision shall be appealed in

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accordance with Article III of the Code of Civil Procedure. (Ill. Rev. Stat. 1985, ch. 110, pars. 3-101 through 3-112). Such review shall not be construed to limit rights established in Section 8.05 of the State Act.

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NOTICE OF PROPOSED AMENDMENT(S)

1) The Heading of the Part: Areas Designated by Act of Congress

2) Code Citation: 62 Ill. Adm. Code 1761

3) Section Number:
 1761.5 New Section
 1761.11 Amended
 1761.12 Amended

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act (State Act). Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Part 1761 sets forth requirements and procedures for mining within areas where mining would otherwise be limited or prohibited. The following amendments will provide uniformity and speed to the Department's processing of permit applications.

Proposed new Section 1761.5 defines "valid existing rights" (VER) and specifies how such rights may be established. The proposed new definition replaces the current definition of "valid existing rights" at 62 Ill. Adm. Code 1701.App.A, which is being deleted in this rulemaking. Proposed new Section 1761.5 closely tracks the Office of Surface Mining Reclamation and Enforcement's (OSM) proposed definition of valid existing rights at 56 Fed. Reg. 33163 (July 18, 1991).

Section 1761.11 specifies the areas where mining is prohibited or limited. The proposed amendment to subsection (g) is consistent with its federal counterpart rule at 30 CFR 761.11(g) and in accord with Department practice. Subsection (h) is proposed to be removed as it is not needed to implement Section 7.01 of the State Act. Section 1761.11(a) already prohibits mining within the areas listed in subsection (h) unless an operator has VER and except for those operations existing on August 3, 1977.

Section 1761.12 sets forth procedures for implementing the limitations and prohibitions of Section 1761.11. The proposed new language at subsection (b) specifies what information must be submitted during the permitting process by a person claiming to have VER to mine in a Section

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1761.11 area.

Existing subsection (b) has been redesignated as subsection (c) and the remainder of the Section likewise redesignated. Subsection (c)(2) is proposed to be amended to make clear that VER is not something that is requested, but rather an assertion by an operator that it has the right to conduct mining within a prohibited area. Subsections (d) and (e) are proposed to be amended to clarify that they contain procedures for those cases where the mining applicant does not have VER. Subsection (d)(4) is proposed to be amended to clarify that the road authority does not make any determination for mining activity within 100 feet of a road. "Affected" is also being moved to modify both "public" and "landowners", rather than just "landowners". A subsection heading has been added at (e)(3). The Code citation in subsection (h) is being amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

- 6) Will this proposed rule replace an emergency rule currently in effect?
- No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel

Illinois Department of Mines and Minerals

300 West Jefferson, Suite 300

P.O. Box 10137

Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

SECRET

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 62: MINING
CHAPTER 1: DEPARTMENT OF MINES AND MINERALSPART 1761
AREAS DESIGNATED BY ACT OF CONGRESS

Section	Scope
1761.1	Definition of Valid Existing Rights
1761.5	Areas Where Mining is Prohibited or Limited
1761.11	Procedures
1761.12	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991; amended at 15 Ill. Reg. 17115, effective January 1, 1992; amended at 111. Reg. _____, effective _____.

Section 1761.5 Definition of Valid Existing Rights

"Valid existing rights" means a right to conduct surface coal mining operations on lands where, without such right, surface coal mining operations would be prohibited by Section 7.01 of the State Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 7907.01). Valid existing rights shall be established as follows:

- a) Except as provided in paragraph (b) of this definition, to establish valid existing rights, a person intending to conduct surface coal mining operations on lands protected by Section 7.01 of the State Act shall demonstrate a legally binding conveyance, lease, deed, contract, or other document which establishes a right to the coal resource for to conduct a surface coal mining operation not involving extraction of coal) as of August 3, 1977, or as of the date the prohibitions became effective for lands that come under the protection of Section 7.01 of the State Act at a subsequent date ("the applicable effective date"). Interpretation of the terms of the documents relied upon to establish the rights to which this paragraph applies shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or, where Illinois case law is lacking, upon the usage and custom at the time and place the documents conveying such rights came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the

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applicant claims a valid existing right. In addition, a person intending to conduct surface coal mining operations on lands protected by Section 7.01 of the State Act shall demonstrate that one of the following standards is met:

- 1) The coal is both needed for and immediately adjacent to a validly authorized surface coal mining operation existing as of August 3, 1977, or as of the date the Section 7.01 prohibitions became effective; or
- 2) The person had obtained, or had made a good faith effort to obtain, all necessary State and Federal permits prior to August 3, 1977, or as of the date the Section 7.01 prohibitions became effective, or the application of any of the prohibitions contained in Section 7.01 of the State Act to the property interest that existed on August 3, 1977, or as of the date the prohibitions became effective, would effect a taking of the person's property that would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article 1, Section 15 of Illinois Constitution of 1970 or both.

b) For haul roads, valid existing rights means:

- 1) A recorded right of way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or as of the date the Section 7.01 prohibitions became effective; or
- 2) Any other road in existence as of August 3, 1977, or as of the date the Section 7.01 prohibitions became effective.

(Source: Added at 111. Reg. _____, effective _____)

Section 1761.11 Areas Where Mining is Prohibited or Limited

Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment:

- a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) or study rivers or study river corridors as established in guidelines pursuant to that Act published at 47 FR 39454 (September 7, 1982), and National Recreation Areas designated by Act of Congress. The guidelines at

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47 FR 39454 do not include any subsequent editions or amendments;

- b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;
- c) On any lands which will adversely affect any publicly owned park or any places included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;
- d) Within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road, except:

- 1) Where mine access roads or haulage roads join such right of way lines; or
- 2) Where the Illinois Department of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected, including surface areas impacted by planned subsidence, to be within one hundred (100) feet of such road, after:

- A) Public notice and opportunity for a public hearing in accordance with Section 1761.12(c); and
- B) Making a written finding that the interests of the affected public and landowners will be protected;

- e) Within three hundred (300) feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:

- 1) The owner thereof has provided a written waiver consenting to surface coal mining operations closer than three hundred (300) feet; or
- 2) The part of the mining operation which is within three hundred (300) feet of the dwelling is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;

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- f) Within three hundred (300) feet measured horizontally of any public building, school, church, community or institutional building, or public park; or
- g) Within one hundred (100) feet measured horizontally of a cemetery. Cemeteries may be relocated if authorized by applicable State law or regulations.

h) ~~There will be no surface coal mining, permitting, licensing, or exploration of Federal lands in the National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, Wild and Scenic Rivers System, or National Recreation Areas, unless called for by Acts of Congress.~~

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1761.12 Procedures

- a) Upon receipt of a complete application for a surface coal mining and reclamation operation permit, the Department shall review the application to determine whether surface coal mining operations are limited or prohibited under Section 1761.11 on the lands which would be disturbed by the proposed operations.
- b) A person claiming valid existing rights ("VER") is responsible for submitting to the Department all information necessary to support its claim of VER. The types of information that shall be submitted include the following:

- 1) A description of the land in question, including the area(s) and corresponding coal seam(s) for which VER is claimed;
- 2) A description of the property rights for the land and minerals in question that verifies the character and extent of the interests of the claimant and of all other outstanding interests in the land and minerals; for example, a certified abstract of title. The description of property rights shall include complete documentation of the property rights as they existed on the applicable effective date. The description shall also include complete documentation of property rights as of the applicable effective date, in any contiguous parcels that were under common ownership as of the applicable effective date. If the coal interests have been severed and the surface estate is held by a Federal agency, the description of property rights shall also include a title opinion or other official title analysis by the Federal agency, discussing whether the claimant has the property

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right to mine the coal by the intended method;

- 3) Application, approval and issuance dates and identification numbers of all permits and amendments held or applied for by the claimant or by a predecessor(s) in interest;
- 4) A detailed description of the proposed mining method and plan of operations, including estimates of coal to be extracted;
- 5) If VER is claimed based on a takings analysis, a narrative explaining how and why application of the applicable Section 7.01 prohibition to the claimant's property interest would effect a compensable taking. The narrative shall include citation to, analysis of and application of relevant case law to the particular facts of the situation;
- 6) Any other information requested by the Department or which the claimant believes will support its claim of VER.

b) Federal recreational systems; public buildings; cemeteries

- 1) Where the proposed operation would be located on any lands listed in Section 1761.11(a), (f) or (g), the Department shall reject the application if the applicant has no valid existing rights for the area or if the operation did not exist on August 3, 1977.
- 2) If the Department is unable to determine whether the proposed operation is located within the boundaries of any of the lands in Section 1761.11(a) or closer than the limits provided in Section 1761.11(f) and (g), the Department shall transmit a copy of the relevant portions of the permit application to the appropriate Federal, State, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it must respond within thirty (30) days of receipt of the request. The National Park Service or the U.S. Fish and Wildlife Service shall be notified of any request for a determination of valid-existing-rights claim of VER pertaining to areas within the boundaries of areas under their jurisdiction and shall have thirty (30) days from receipt of the notification in which to respond. The Department, upon request by the appropriate agency, shall grant an extension to the 30-day period of an additional thirty (30) days. If no response is received within 30-day period or within the extended period granted, the Department may make the necessary determination based on the information it has available.

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cd)

Where the proposed mining operation is proposed to be conducted within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)) and the applicant does not have VER, or where the applicant proposes to relocate or close any public road, the Department shall:

- 1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;
- 2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected. Any person with an interest which is or may be adversely affected by the proposed mining operation may request in writing that the Department hold a public hearing. Such request shall be submitted to the Department within fourteen (14) days after the newspaper notice required by this subsection;
- 3) If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two (2) weeks prior to the hearing; and
- 4) Make a written finding based upon information received at the public hearing within thirty (30) days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the affected public and affected landowners will be protected from the proposed mining operations. No mining shall be allowed within one hundred (100) feet of the outside right-of-way line of a road; nor may a road be re-located or closed; unless the Department and public road authority determines that the interests of the affected public and affected landowners will be protected.

de) Occupied dwellings

- 1) Absent VER, Where the proposed surface coal mining operations would be conducted within three hundred (300) feet, measured horizontally, of any occupied dwelling, the permit applicant shall submit with the application a written waiver by lease, deed or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the

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legal right to deny mining and knowingly waived that right. The waiver shall act as consent to such operations within a closer distance of the dwelling as specified.

- 2) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within three hundred (300) feet of such dwelling, a new waiver shall not be required.

3) Effect of waiver

- A) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.

- B) A subsequent purchaser shall be deemed to have constructive knowledge if the waiver has been properly filed in public property records pursuant to State laws or if the mining has proceeded to within the three hundred (300) foot limit prior to the date of purchase.

ef) Publicly owned parks; places included in the National Register of Historic Places

- 1) Where the Department determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any place included in the National Register of Historic Places, the Department shall transmit to the Federal, State, or local agencies with jurisdiction over the publicly owned park or National Register place a copy of applicable parts of the permit application together with a request for that agency's approval or disapproval of the operation, and a notice to that agency that it has thirty (30) days from receipt of the request within which to respond and that failure to interpose a timely objection will constitute approval. The Department, upon request by the appropriate agency, may grant an extension to the 30-day period of an additional thirty (30) days. Failure to interpose an objection within thirty (30) days of the extended period granted shall constitute an approval of the proposed permit.

- 2) A permit for the operation shall not be issued unless jointly approved by all affected agencies.

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- fg) If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and this Part, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.

- gh) A determination by the Department that a person holds or does not hold a valid existing right or that surface coal mining operations did or did not exist on the date of enactment shall be subject to administrative and judicial review under 62 Ill. Adm. Code 1775-11 and 1775-13 1847.3.

(Source: Amended at Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations
- 2) Code Citation: 62 Ill. Adm. Code 1800
- 3) Section Number:
 1800.11 Amended
 1800.40 Amended
 1800.50 Amended
- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).
- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act, Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq., and in order to be consistent with federal counterpart regulations.

Section 1800.11 sets forth requirements for the filing of a performance bond. Subsection (a) is proposed to be amended to clarify that failure to file a performance bond within one year of the Department's issuance of written findings approving a permit application will result in the expiration of those findings. The proposed revisions are intended to eliminate situations where permits are issued based on outdated written findings. A subsection heading is being added to subsection (b).

Section 1800.40 sets forth requirements for the release of performance bonds. Subsection (a)(3), which requires that the permittee include in the application for bond release a notarized statement that all statutory and regulatory requirements have been met, is proposed to be added in order to be consistent with federal regulations. Subsections (e) through (h) are proposed to be amended to reflect the Department's reorganization and revision of its hearing rules in this rulemaking.

Section 1800.50 sets forth requirements for the forfeiture of bonds. The proposed revisions to subsections (c)(2) through (5) are necessary due to the Department's reorganization of its hearing rules in this rulemaking. Substantively, the bulk of subsections (c)(2) through (5) have been incorporated into new Part 1847. A subsection heading is being added at subsection (e). Subsection (g) is proposed to be added to clarify Department policy that it may elect not to proceed with state enforcement action during bond forfeiture proceedings in specified

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- situations.
- 6) Will this proposed rule replace an emergency rule currently in effect?
 No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1800
BONDING AND INSURANCE REQUIREMENTS FOR
SURFACE COAL MINING AND RECLAMATION OPERATIONS

Section	Scope and Purpose
1800.1	Objective (Repealed)
1800.2	Department Responsibilities
1800.4	Definitions
1800.5	Requirement to File a Bond
1800.11	Form of the Performance Bond
1800.12	Period of Liability
1800.13	Determination of Bond Amount
1800.14	Adjustment of Amount
1800.15	General Terms and Conditions of Bond
1800.16	Bonding Requirements for Underground Coal Mines and Long-Term Coal-Related Surface Facilities and Structures
1800.17	Surety Bonds
1800.20	Collateral Bonds
1800.21	Replacement of Bonds
1800.30	Requirement to Release Performance Bonds
1800.40	Forfeiture of Bonds
1800.50	Terms and Conditions for Liability Insurance
1800.60	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9354; amended at 11 Ill. Reg. 7985, effective July 1, 1987; amended at 14 Ill. Reg. 11785, effective January 1, 1991; amended at ___ Ill. Reg. ___, effective _____.

Section 1800.11 Requirement to File a Bond

- a) After a permit application under 62 Ill. Adm. Code 1772 through 1785 has been approved, but before a permit is issued, the applicant shall file with the Department, on a form provided by the Department, a bond or bonds for performance made payable to the Department and conditioned upon the faithful performance of all the requirements of the State Act, 62 Ill. Adm. Code 1700 - 1850, the permit and the reclamation plan.

- 1) Failure to file a performance bond or other equivalent

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guarantee in accordance with this Section within one (1) year of the issuance of the Department's written findings approving a permit application under 62 Ill. Adm. Code 1773.15(c) shall result in the expiration of the Department's written findings approving the permit application.

- 2) The filing of a minimum performance bond or other equivalent guarantee in the amount of ten thousand dollars (\$10,000.00) or six hundred dollars (\$600.00) per acre, whichever sum is greater, within one (1) year from the date of the Department's written findings approving a permit application will enable the permit to be issued upon the condition that no site disturbance occur on the permitted area until such time as full performance bond, or approved incremental or cumulative bond pursuant to subsection (d), is submitted.

b) Bond coverage.

- 1) The bonds or bonds shall cover the entire permit area, or an identified increment of land within the permit area upon which the operator will initiate and conduct surface coal mining operations during the initial term of the permit.
- 2) As surface coal mining and reclamation operations on succeeding increments are initiated and conducted within the permit area, the permittee shall file with the Department an additional bond or bonds to cover such increments in accordance with this Section.
- 3) The operator shall identify the initial and successive areas or increments for bonding on the permit application map submitted for approval as provided in the application (under 62 Ill. Adm. Code 1780 and 1784), and shall specify the bond amount to be provided for each area or increment.
- 4) Independent increments shall be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the Department become necessary pursuant to Section 1800.50.
- c) An operator shall not disturb any surface areas, succeeding increments or extend any underground shafts, tunnels, or operations prior to acceptance by the Department of the required performance bond.
- d) The applicant shall file, with the approval of the Department, a bond or bonds under one of the following schemes to cover the bond amounts for the permit area as determined in accordance with

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Section 1800.14:

- 1) A performance bond or bonds for the entire permit area;
- 2) A cumulative bond schedule and the performance bond required for the full reclamation of the initial area to be disturbed; or
- 3) An incremental bond schedule and the performance bond required for the first increment in the schedule.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1800.40 Requirement to Release Performance Bonds

a) Bond release application.

- 1) The permittee may file an application with the Department for the release of all or part of a performance bond at any time.
- 2) Within thirty (30) days after an application for bond release has been filed with the Department, the operator shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. The advertisement shall be considered part of any bond release application and shall contain the permit number and approval date, notification of the precise location of the land affected, the number of acres, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, a description of the results achieved as they relate to the operator's approved reclamation plan, and the name and address of the Department to which written comments, objections, or requests for public hearings on the specific bond release may be submitted pursuant to subsection (e). In addition, as part of any bond release application, the applicant shall submit copies of letters which he or she has sent to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the surface coal mining and reclamation operation took place, notifying them of the intention to seek release from the bond. The operator shall submit a certification of publication for such advertisement prior to the Department's final administrative decision releasing bond.

- 3) The permittee shall include in the application for bond

release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the State Act, the regulatory program and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release.

b) Inspection by Department.

- 1) Upon filing of the bond release application, the Department shall, within thirty (30) days, or as soon thereafter as weather conditions permit, conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other factors, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution. The surface owner, agent, or lessee shall be given notice of such inspection and may participate with the Department in making the bond release inspection. The Department may arrange with the permittee to allow access to the permit area, upon request by any person with an interest in bond release, for the purpose of gathering information relevant to the proceeding.
- 2) Within sixty (60) days from the filing of the bond release application, if no public hearing is held pursuant to subsection (e), or, within thirty (30) days after a public hearing has been held pursuant to subsection (e), the Department shall serve, by certified mail, the permittee, the municipality and county in which the surface coal mining operation is located, the surety, or other persons with an interest in bond collateral who have requested notification under Section 1800.21(e), and the persons who either filed objections in writing or objectors who were a party to the hearing proceedings, if any, its final administrative decision to release or not to release all or part of the performance bond.
- c) The Department may release all or part of the bond for the entire permit area or incremental area if the Department is satisfied that all the reclamation or a phase of the reclamation covered by the bond or portion thereof has been accomplished in accordance with the following schedules for reclamation of Phases I, II, and III:
 - 1) At the completion of Phase I, after the operator completes the backfilling, regrading (which includes the replacement of topsoil) and drainage control of a bonded area in accordance

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with the approved reclamation plan, sixty (60) percent of the bond or collateral for the applicable area.

- 2) At the completion of Phase II, after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, an additional amount of bond. When determining the amount of bond to be released after successful revegetation has been established, the Department shall retain that amount of bond for the revegetated area which would be sufficient to cover the cost of reestablishing revegetation if completed by a third party and for the period specified for operator responsibility in Section 6.08(d)(2) of the State Act for reestablishing revegetation. No part of the bond or deposit shall be released under subsection (c)(2) so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by Section 3.10 of the State Act and by 62 Ill. Adm. Code 1816 or 1817 or until soil productivity for prime farmland has returned to the equivalent levels of yield as nominated land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to Section 2.02(a) of the State Act and 62 Ill. Adm. Code 1823. Where a silt dam is to be retained as a permanent impoundment pursuant to 62 Ill. Adm. Code 1816 or 1817, the Phase II portion of the bond may be released under this subsection so long as provisions for sound future maintenance by the operator or the landowner have been made with the Department.

- 3) At the completion of Phase III, after the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in 62 Ill. Adm. Code 1816.116 or 1817.116. However, no bond shall be fully released under subsection (c)(3) until the reclamation requirements of the State Act and the permit are fully met.

- d) If the Department disapproves the application for release of the bond or portion thereof, the Department shall notify the permittee, the surety, and any person with an interest in collateral as provided for in Section 1800.21(e), in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release and allowing an opportunity for a public hearing, pursuant to subsection (e).

- e) Any person with a valid legal interest which might be adversely

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affected by release of the bond, or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or which is authorized to develop and enforce environmental standards with respect to such operations, shall have the right to file written objections to the proposed release from bond with the Department within thirty (30) days after the last publication of the notice required by subsection (a)(2). If written objections are filed and a hearing is requested, the hearing shall be held in accordance with 62 Ill. Adm. Code 1847.9 the Department shall inform all the interested parties of the time and place of the hearing, and shall hold a public hearing within thirty (30) days after receipt of the request for the hearing. The date, time, and location of the public hearing shall be advertised by the Department in a newspaper of general circulation in the locality for two (2) consecutive weeks. The public hearing shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State capital, at the option of the objector. The hearing officer shall be an employee of the Department or a licensed attorney.

f) For the purpose of the hearing under subsection (e), the Department shall have the authority to administer oaths and affirmations, subpoena witnesses and written or printed materials, compel the attendance of witnesses or the production of these materials, and take evidence including, but not limited to, inspection of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1843.21. A verbatim record of each public hearing shall be made, and a transcript shall be made available on request of any party or by order of the Department. Ex parte contacts between the parties, and their representatives, and the hearing officer, are prohibited.

g) Within thirty (30) days after the close of the hearing record, the hearing officer shall issue and serve the Department, and by certified mail, the permittee and any objectors to bond release with written findings of fact, conclusions of law and an order adjudicating the application for bond release. Service of this final administrative action shall be deemed complete upon mailing.

h) Judicial review. Following service of the final administrative decision of the Department under subsections (b)(2) and (g), the permittee or any affected person may request judicial review of that decision in accordance with the Administrative Review Law (Ill. Rev. Stat. 1985, ch. 110, pars. 3-101 et seq.).

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(Source: Amended at Ill. Reg. _____, effective _____)

Section 1800.50 Forfeiture of Bonds

a) If a permittee refuses or is unable to conduct reclamation of an unabated violation due to bankruptcy, insolvency, creditor attachment of equipment or to the collateral supporting the performance bond being repledged, if the terms of the permit are not met, or if the permittee defaults on the conditions under which the bond was accepted, the Department shall take the following action to forfeit all or part of a bond or bonds for any permit area or an increment of a permit area:

- 1) Send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing them of the determination to forfeit all or part of the bond, including the reasons for the forfeiture and the amount to be forfeited.
- 2) The amount shall be based on the estimated total cost of achieving the reclamation plan requirements.

b) Prior to the bond forfeiture notification under subsection (a)(1), the Department shall advise the permittee and surety, if applicable, of the conditions under which forfeiture may be avoided. Such conditions include, but are not limited to:

- 1) Agreement by the permittee or another party to perform reclamation operations in accordance with a compliance schedule which meets the conditions of the permit, the reclamation plan, and the regulatory program and a demonstration that such party has the ability to satisfy the conditions; or
- 2) The Department may allow a surety to complete the reclamation plan, or the portion of the reclamation plan applicable to the bonded phase or increment, if the surety can demonstrate an ability to complete the reclamation in accordance with the approved reclamation plan. Except where the Department may approve partial release authorized under Section 1800.40, no surety liability shall be released until successful completion of all reclamation under the terms of the permit, including the applicable liability periods of Section 1800.13.

c) In the event forfeiture of the bond is required by subsection (a), the Attorney General, on request of the Department, shall file suit

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to collect any unpaid, forfeited bonds pursuant to Section 6.07 of the State Act.

- 1) Before making a request to the Attorney General to collect the forfeited bonds, or before presenting the collateral bond for collection, the Department shall afford the permittee the right to a hearing to be held not less than thirty (30) days after the permittee's receipt of the bond forfeiture notification under subsection (a)(1).

- 2) The Department shall hold the hearing provided in subsection (c)(1) in accordance with the procedures set forth in 62 Ill. Adm. Code 1847.7 if requested by the permittee within fifteen (15) days of receipt of the bond forfeiture notification under subsection (c)(1). An impartial hearing officer not employed by the Department will preside over the bond forfeiture hearing. If the permittee does not request a hearing within fifteen (15) days of receipt of the bond forfeiture notification, the Department shall issue a final administrative decision ordering forfeiture. The Department's final administrative decision ordering forfeiture shall be transmitted to the Attorney General for collection at the expiration of the time to perfect administrative review under subsection (c)(5).

3) At the bond forfeiture hearing, the Department shall present evidence in support of its determination under subsection (c)(1). The permittee shall present evidence contesting the Department's determination under subsection (c)(1). The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses or production of those materials, compel discovery and take evidence, including but not limited to, site inspections of the land affected by the surface coal mining and reclamation operation under forfeiture. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1843.21.

4) Within thirty (30) days after the close of the record for the bond forfeiture hearing, the hearing officer shall issue and serve by certified mail the permittee and the Department with written findings of fact, conclusions of law and an order adjudicating the bond forfeiture determination under subsection (a)(1).

5) The Department's final administrative decision under subsection (c)(2) and (c)(4) may be appealed in accordance with Article III of the Code of Civil Procedure. (iii) Rev.

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- d) The Department shall use funds collected from bond forfeiture to complete the reclamation plan, or portion thereof, on the permit area or increment and to cover associated administrative expenses to which bond coverage applies. Unless specifically limited, as provided in Section 1800.11(b), bond liability shall extend to the entire permit area under forfeiture.

e) Reclamation costs.

- 1) In the event the estimated amount forfeited is insufficient to pay for the full cost of reclamation, the operator shall be liable for remaining costs. The Department may complete, or authorize completion of, reclamation of the bonded area and may recover from the operator all costs of reclamation in excess of the amount forfeited.

- 2) In the event the amount of performance bond forfeited was more than the amount necessary to complete reclamation, the unused funds shall be returned by the Department to the party from whom they were collected.

- f) No permittee who has forfeited any bond shall be issued a permit from the Department for surface coal mining and reclamation operations unless the permit applicant provides the following assurances to the Department that such proceedings will not again become necessary:

- 1) The permit applicant submits a cash bond or certificate of deposit for the proposed permit area, pursuant to Section 1800.11.

- 2) The officers, directors, ten percent (10%) or greater shareholders of the permit applicant, if a corporation, agree to be held personally liable for violations of the State Act caused by the permittee.

- 3) The permit applicant has compensated the entity that completed reclamation of the permit area for all costs attributable to bond forfeiture.

- 4) All prior violations of the State Act attributable to the permit applicant have been corrected, including payments of all outstanding civil penalties.

- g) Where the Department has initiated and is diligently pursuing bond forfeiture, or where forfeiture has occurred, the Department may

elect not to proceed with state enforcement action under 62 Ill. Adm. Code 1843. The Department's decision to proceed with enforcement action will be based upon the likelihood of improving existing environmental site conditions if such action were to be taken. The Department's decision not to pursue additional enforcement action will be fully documented in writing.

(Source: Amended at Ill. Reg. ___, effective ___)

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DEPARTMENT OF MINES AND MINERALS

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NOTICE OF PROPOSED AMENDMENT(S)

NOTICE OF PROPOSED AMENDMENT(S)

1) The Heading of the Part: Civil Penalties

2) Code Citation: 62 Ill. Adm. Code 1845

3) Section Number: Proposed Action:

1845.12 Amended
 1845.13 Amended
 1845.17 Amended
 1845.18 Amended
 1845.19 Repealed
 1845.20 Amended

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1845.12 sets forth the circumstances under which a civil penalty will be assessed. New subsections (c) and (d) are proposed to be added to clarify Department policy and practice that an assessment below \$1,100.00 is not required to be paid unless it is the permittee's second related violation within a twelve month period.

Section 1845.13 sets forth the factors to be considered in assessing civil penalties. Subsection (b)(4) is proposed to be amended to clarify that good faith credit awards are based upon rapid compliance and extraordinary measures, rather than simply abating the violation within the time set for abatement. The revisions also clarify Department policy and practice that administrative violations are not eligible for good faith credit awards.

Section 1845.17 sets forth procedures for assessment of civil penalties. The proposed revision to subsection (b) provides an alternative means of service of proposed assessments, consistent with its federal counterpart rule at 30 CFR 845.17. Subsection (b)(2)(B) is proposed to be revised to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1845.18 sets forth requirements regarding the payment of

assessments and hearing requests. Subsection (a)(2) is proposed to be revised to reflect the Department's reorganization of its hearing rules in this rulemaking. Subsection (c) is proposed to be deleted as it is now covered in new Part 1847, which contains administrative and judicial review provisions.

Section 1845.19 contains procedures for hearing and is proposed to be deleted due to the Department's reorganization of its hearing rules in this rulemaking.

Section 1845.20 contains requirements for final assessment and penalty payments. Subsection (a) is proposed to be revised to reflect the Department's reorganization of its hearing rules in this rulemaking.

Will this proposed rule replace an emergency rule currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
 Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

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- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS
PART 1845
CIVIL PENALTIES

Section

- | | |
|---------|---|
| 1845.1 | Scope |
| 1845.2 | Objective |
| 1845.11 | How Assessments are Made |
| 1845.12 | When Penalty Will be Assessed |
| 1845.13 | Factors to be Considered in Assessing Civil Penalties |
| 1845.14 | Determination of Amount of Penalty: Assessment of Separate Violations for Each Day (Repealed) |
| 1845.15 | Assessment of Separate Civil Penalties for Each Day |
| 1845.17 | Procedures for Assessment of Civil Penalties |
| 1845.18 | Payment of Assessment; Hearing Request Deadline |
| 1845.19 | Procedures for Hearing (Repealed) |
| 1845.20 | Final Assessment and Payment of Penalty |

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9365; amended at 11 Ill. Reg. 8014, effective July 1, 1987; amended at _____ Ill. Reg. _____, effective _____.

Section 1845.12 When Penalty Will be Assessed

- a) The Department shall assess a penalty for each cessation order.
- b) The Department shall assess a penalty for a notice of violation if an assessment of one thousand, one hundred dollars (\$1,100.00) or more is derived in accordance with Section 1845.13.
- c) Except as provided in subsection (d), an assessment for a notice of violation of less than one thousand, one hundred dollars (\$1,100.00) is not required to be paid by the person to whom the notice of violation is issued.
- d) If the assessment for a notice of violation is below one thousand, one hundred dollars (\$1,100.00), the penalty shall be assessed if it is the permittee's second related violation within a twelve (12) month period.

Source: Amended at _____ Ill. Reg. _____, effective _____.)

6/29/92

DEPARTMENT OF MINES AND MINERALS

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Section 1845.13

Factors to be Considered in Assessing Civil Penalties

a) The Department shall take into account the factors contained in subsection (b) to determine the amount of the penalty, and except violations cited in a cessation order issued under 62 Ill. Adm. Code 1843, whether a penalty should be assessed as provided in Section 1845.12(b).

b) The factors to be considered are:

1) History of previous violations. The Department shall assign up to one thousand dollars (\$1,000) based on the permittee's history of previous violations. Twenty dollars (\$20) shall be assigned for each past violation contained in a notice of violation. One hundred dollars (\$100) shall be assigned for each violation contained in a cessation order. The history of previous violations, for the purpose of assigning dollar amounts, shall be determined with respect to a particular coal exploration or surface coal mining operation. Amounts shall be assigned as follows:

A) A violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request such review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;

B) No violation for which the notice or order has been vacated shall be counted; and

C) Each violation shall be counted without regard to whether it led to a civil penalty assessment.

2) Seriousness. The Department shall assign up to one thousand, five hundred dollars (\$1,500) based on the seriousness of the violation, as follows:

A) Probability of occurrence. The Department shall assign up to seven hundred and fifty dollars (\$750) based on the probability of the occurrence of the event which a violated standard is designed to prevent. The amounts shall be assessed according to the following schedule:

Probability of Occurrence	
None or Insignificant	\$ 0.00 to 100.00
Unlikely	100.00 to 200.00

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Likely	200.00 to 300.00
Occurred	300.00 to 750.00

B) Extent of potential or actual damage. The Department shall assign up to seven hundred and fifty dollars (\$750), based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

i) If the damage or impact which the violated standard is designed to prevent would remain within the coal exploration or permit area, the Department shall assign from zero dollars (\$0) to three hundred dollars (\$300), depending on the duration and extent of the damage or impact.

ii) If the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration or permit area, the Department shall assign from three hundred dollars (\$300) to seven hundred and fifty dollars (\$750), depending on the duration and extent of the damage or impact.

C) Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, the Department shall, in lieu of subsection (b)(2)(A) and (B), assign up to one thousand dollars (\$1,000) as follows:

i) First violation of an administrative requirement within twelve (12) month period: zero dollars (\$0) to two hundred and fifty dollars (\$250).

ii) Second violation of same or related administrative requirement within twelve (12) month period: zero dollars (\$0) to five hundred dollars (\$500).

iii) Third violation of same or related administrative requirement within (12) month period: zero dollars (\$0) to One thousand dollars (\$1,000).

3) Negligence:

A) The Department shall assign up to two thousand, five hundred dollars (\$2,500) based on the degree of fault of the person to whom the notice or order was issued in

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causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. The sums shall be assessed as follows:

- i) A violation which occurs through no negligence shall be assigned zero dollars (\$0) for negligence.
- ii) A violation which is caused by negligence shall be assigned up to five hundred dollars (\$500).
- iii) A violation which occurs through recklessness shall be assigned up to one thousand dollars (\$1,000).
- iv) A violation which occurs through knowing or intentional conduct shall be assigned up to two thousand, five hundred dollars (\$2,500).

B) In determining the degree of negligence involved in a violation and the sum to be assigned, the following definitions apply:

- i) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care.
- ii) Negligence means the failure of a permittee to prevent the occurrence of any violation of the permit or any requirement of the State Act or 62 Ill. Adm. Code 1700 - 1850 due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the State Act due to indifference, lack of diligence, or lack of reasonable care.

iii) Recklessness means disregard of a known or obvious high risk.

iv) Knowing or intentional conduct occurs when the permittee is aware that he is, or will be, in violation of the regulations and fails to correct or avoid the situation.

C) In calculating sums to be assigned for negligence, the acts of all persons working on the coal exploration or

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surface coal mining and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

4) Good faith in attempting to achieve compliance.

A) ~~If the person to whom the notice or order was issued abates the violation before the time set for abatement, up to five hundred dollars (\$500) shall be subtracted from the proposed penalty amount. The Department shall reduce the proposed penalty amount by up to five hundred dollars (\$500) based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation.~~

B) ~~If the consideration of this criterion is impractical because of the length of the abatement period, the assessment shall be made without considering this criterion and shall be reassessed after the violation has been abated. Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and that abatement was achieved before the time set for abatement, but not longer than fifteen (15) days from issuance of the notice or order.~~

C) ~~No reduction of the proposed penalty amount will be given for normal compliance. Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.~~

D) ~~Good faith credit will not be given if the violation is administrative in nature.~~

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1845.17 Procedures for Assessment of Civil Penalties

a) Within fifteen (15) days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the Department. The Department shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.

b) The Department shall serve a copy of the proposed assessment and of

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the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, or by any alternative means consistent with the rules governing service of a summons and complaint under Rule 4 of the Federal Rules of Civil Procedure, within thirty (30) days of issuance of the notice or order.

- 1) If the mail is tendered at the address of that person set forth in the sign required under 62 Ill. Adm. Code 1816.11 or 1817.11, or at any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of subsection (b) shall be deemed to have been complied with upon such tender.
- 2) Failure by the Department to serve a proposed assessment within thirty (30) days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been assessed:

A) Proves actual prejudice as a result of the delay; and

B) Makes a timely objection to the delay. An objection shall be timely only if made in the normal course of a request for hearing made pursuant to Section 1845.19 62 Ill. Adm. Code 1847.5.

- c) Unless a hearing has been requested pursuant to Section 1845.19 62 Ill. Adm. Code 1847.5, the Department shall review and reassess any penalty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Department shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in subsection (b), within thirty (30) days after the date the violation is abated.

(Source: Amended at ___ Ill. Reg. _____, effective _____)

Section 1845.18 Payment of Assessment; Hearing Request Deadline

- a) Within thirty (30) days after receipt of the proposed penalty assessment, the person for whom the proposed penalty was assessed shall either:

- 1) pay the proposed penalty assessment to the Department; or
- 2) if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed

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penalty assessment to the Department, for placement in escrow, together with a request for hearing pursuant to subsection (c) 62 Ill. Adm. Code 1847.5.

- b) If through administrative or judicial review, it is determined either that no violation occurred, or that the amount of the penalty should be reduced, the Department shall, within thirty (30) days of such determination, remit the appropriate amount to the person with interest at the rate of six percent (6%) per annum, or at the prevailing United States Department of the Treasury rate, whichever is greater. Failure to forward the money to the Department within thirty (30) days of receipt of the proposed penalty assessment shall result in a waiver of all legal rights to contest both the fact of the violation and the amount of the penalty.

c) The person to whom the notice of violation or cessation order was issued may contest the facts of the violation or the proposed penalty by submitting a written request for a hearing with the Department within thirty (30) days from receipt of the proposed assessment. If a penalty is assessed, such person also must comply with subsection (a) concerning payment of the amount of the penalty into escrow.

(Source: Amended at ___ Ill. Reg. _____, effective _____)

Section 1845.19 Procedures for Hearing (Repealed)

a) Upon receiving a request for a hearing submitted in accordance with Section 1845.18(c) or 62 Ill. Adm. Code 1843.10, the Department shall conduct a hearing regarding the facts of the violation or the amount of the proposed penalty assessment.

b) All hearings held under this Section shall be conducted in accordance with Sections 10 through 15 of the Administrative Procedure Act (Ill. Rev. Stat. 1985, Ch. 127, Pars. 1010-1015) and Sections 8.07(b) and 8.09 of the State Act. Notice of the time, place, and subject matter of the hearing shall be given to the applicant; any person who filed a report which led to the order to be reviewed and the Federal Office of Surface Mining Reclamation and Enforcement at least five (5) days prior to the hearing. Notice of the hearing shall also be posted at the appropriate district or field office at the mine site and to the extent possible in a newspaper of general circulation in the area of the mine at least five (5) days prior to the hearing.

c) At the request of any party, a prehearing conference shall be convened by the hearing officer.

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- i) To define the factual and legal issues to be litigated at the administrative hearing.
- 2) To set a discovery schedule for the administrative hearing, in accordance with 62 Ill. Adm. Code 1843.21.
- 3) To hear oral arguments on any pending motions.
- 4) To schedule a date for the administrative hearing.
- 5) To arrive at an equitable settlement of the hearing request, if possible.
- d) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice or order was issued will be deemed to have waived all right to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.
- e) If full payment of the amount specified in the settlement agreement is not received by the Department within the agreed-upon period after the date of signing, the Department may enforce the agreement or rescind it and proceed to collect the original face amount of the assessment within thirty (30) days from the date of the rescission.
- f) A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the findings and decision of the Department referred to in subsection (g) have been issued.
- g) If such a hearing is held, the Department shall subsequently make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order requiring that the penalty be paid. The hearing decision shall be issued and served by certified mail, on all parties, within thirty (30) days of the close of the record. The hearing officer's decision shall constitute the Department's final administrative decision. Service of the Department's final administrative decision shall be deemed complete upon mailing.
- h) Judicial review. Following service of the Department's final administrative decision, the permittee or any affected person may request judicial review of that decision in accordance with Article

iii of the Code of Civil Procedure (Ill. Rev. Stat., 1985, ch. 110, pars. 3-101 through 3-112).

(Source: Repealed at Ill. Reg. , effective)

Section 1845.20 Final Assessment and Payment of Penalty

- a) If the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in Section 1845.18 62 Ill. Adm. Code 1847.5, the proposed assessment shall become a final administrative decision of the Department and the penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.
- b) If the person to whom a notice of violation or cessation order is issued, or any other party, requests judicial review of a final order of the Department, the proposed penalty paid in accordance with Section 1845.18(a) shall continue to be held in escrow until completion of the review. Absent a request for judicial review, the escrowed funds shall be transferred to the Department in payment of the penalty.
- c) Civil penalties owed under Section 1845.20 may be recovered by the Department in a civil action.
- d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Department within fifteen (15) days after the order is mailed to such person.

(Source: Amended at Ill. Reg. , effective)

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- 1) The Heading of the Part: Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

- 2) Code Citation: 62 Ill. Adm. Code 1702

<u>Section Number:</u>	<u>Proposed Action:</u>
1702.11	Amended
1702.12	Amended
1702.17	Amended
1702.18	Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

On December 13, 1991, the Federal Office of Surface Mining Reclamation and Enforcement (OSM), by final rule, instructed the Illinois Department of Mines and Minerals (Department) to submit proposed amendments designed to correct defects identified in Illinois' rules. See 56 Fed. Reg. 64986 (December 13, 1991).

In addition, the Department has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1702.11 sets forth application requirements and procedures for incidental mining exemptions. Subsection (a) is proposed to be revised by adding a heading thereto. Subsection (a)(2) is proposed to be revised by correcting the citation therein. Subsection (f) is proposed to be revised in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

A typographical error is being corrected in Section 1702.12(g).

Section 1702.17 sets forth requirements for revocation and enforcement of exemption determinations. In order to be no less effective than its federal counterpart, 30 CFR 702.17(c)(1), subsection (c)(1) is proposed to be revised by adding a notification provision in the event a decision is made not to revoke an exemption. The proposed revisions to subsections (c)(2) and (3) reflect the Department's reorganization of its hearing rules in this rulemaking.

The proposed revision in Section 1702.18(a)(1) corrects a typographical error.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Comments must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1702
EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO
THE EXTRACTION OF OTHER MINERALS

Section

- 1702.1 Scope
- 1702.5 Definitions
- 1702.10 Information Collection
- 1702.11 Application Requirements and Procedures
- 1702.12 Contents of Application for Exemption
- 1702.13 Public Availability of Information
- 1702.14 Requirements for Exemption
- 1702.15 Conditions of Exemption and Right of Inspection and Entry
- 1702.16 Stockpiling of Minerals
- 1702.17 Revocation and Enforcement
- 1702.18 Reporting Requirements

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 15 Ill. Reg. 17123, effective January 1, 1992; Amended at _____, effective _____.

Section 1702.11 Application Requirements and Procedures

a) Application for exemption.

- 1) Any person who plans to commence or continue coal extraction after the effective date of this Part in reliance on the incidental mining exemption shall file a complete application for exemption with the Illinois Department of Mines and Minerals (Department) for each mining area.

- 2) No person may commence coal extraction based upon the exemption until the Department approves such application for exemption, except as provided in 7102.11(e)(3) Section 1702.11(e)(3).

- b) Existing operations. Any person who has commenced coal extraction at a mining area in reliance upon the incidental mining exemption prior to the effective date of this Part may continue mining operations for sixty (60) days after such effective date. Coal extraction may not continue after such sixty (60) day period unless that person files an administratively complete application for

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exemption with the Department. If an administratively complete application is filed within sixty (60) days, the person may continue extracting coal in reliance on the exemption beyond the sixty (60) day period until the Department makes an administrative decision on such application.

- c) Additional information. The Department shall notify the applicant if the application for exemption is incomplete and may at any time require submittal of additional information.

- d) Public comment period. Written comments or objections to an application for exemption may be submitted to the Department by any person having an interest which is or may be adversely affected by the decision on the application within thirty (30) days after the newspaper notice required by Section 1702.12(i).

- e) Exemption determination.

- 1) No later than ninety (90) days after the filing of an administratively complete application, the Department shall make a written determination whether, and under what conditions, the persons claiming the exemption are exempt under this Part, and shall notify the applicant and persons submitting comments on the application of the determination and the basis for the determination.

- 2) The determination of exemption shall be based upon information contained in the application and any other information available to the Department at that time.

- 3) If the Department fails to provide an applicant with the determination as specified in subsection (e)(1), an applicant who has not begun may commence coal extraction pending a determination on the application unless the Department issues an interim finding, together with reasons therefor, that the applicant may not begin coal extraction.

- f) Administrative hearing.

- 1) Any adversely affected person may request administrative review of a determination under subsection (e) within thirty (30) days of the notification of such determination in accordance with procedures established under 62 Ill. Adm. Code 1775-11 1847.3. The hearing shall be conducted in accordance with 62 Ill. Adm. Code 1847.3.

- 2) A petition for administrative hearing filed under 62 Ill. Adm. Code 1775-11 in accordance with 62 Ill. Adm. Code

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1847.3 shall not suspend the effect of a determination under Section 1702.11(e).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1702.12 Contents of Application for Exemption

An application for exemption shall include:

- a) The name and address of the applicant;
- b) A list of the minerals sought to be extracted;
- c) Estimates of annual production of coal and the other minerals within each mining area over the anticipated life of the mining operation;
- d) Estimated annual revenues to be derived from bona fide sales of coal and other minerals to be extracted within the mining area;
- e) Where coal or the other minerals are to be used rather than sold, estimated annual fair market values at the time of projected use of the coal and other minerals to be extracted from the mining area;
- f) The basis of annual production, revenue, and fair market value estimates;
- g) A description, including county, township if any, and boundaries of the land, or of sufficient certainty that the mining areas may be located and distinguished from other mining areas;
- h) An estimate to the nearest acre of the number of acres that will compose the mining area over the anticipated life of the mining operations;
- i) Evidence of publication, in a newspaper of general circulation in the county of the mining area, of a public notice that an application for exemption has been filed with the Department. The public notice must identify the persons claiming the exemption and must contain a description of the proposed operation and its locality that is sufficient for interested persons to identify the operation;
- j) Representative stratigraphic cross-section(s) based on test borings or other information identifying and showing the relative position, approximate thickness and density of the coal and each other mineral to be extracted for commercial use or sale and the relative position and thickness of any material, not classified as other minerals, that will also be extracted during the conduct of mining activities;

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- k) A map of appropriate scale which clearly identifies the mining area;
- l) A general description of mining and mineral processing activities for the mining area;
- m) A summary of sales commitments and agreements for future delivery, if any, which the applicant has received for other minerals to be extracted from the mining area, or a description of potential markets for such minerals;
- n) If the other minerals are to be commercially used by the applicant, a description specifying the use;
- o) For operations having extracted coal or other minerals prior to filing an application for exemption, in addition to the information required above, the following information must also be submitted:
 - 1) Any documents the operator has received from the Department documenting its exemption from the requirements of the State Act;
 - 2) The cumulative production of the coal and other minerals from the mining area;
 - 3) Estimated tonnages of stockpiled coal and other minerals; and
- p) Any other information the applicant believes is pertinent to the qualification of the operation as exempt.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1702.17 Revocation and Enforcement

- a) Department responsibility. The Department shall conduct an annual compliance review of the mining area, utilizing the annual report submitted pursuant to Section 1702.18, an on-site inspection and any other information available to the Department.
- b) If the Department has reason to believe that a specific mining area was not exempt under the provisions of this Part at the end of the previous reporting period, is not exempt, or will be unable to satisfy the exemption criteria at the end of the current reporting period, the Department shall notify the operator that the exemption may be revoked unless the operator demonstrates to the Department within thirty (30) days that the mining area in question should continue to be exempt.

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c) Exemption revocation.

- 1) If the Department finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption, the Department shall revoke the exemption and immediately notify the operator and any person having an interest which is or may be adversely affected by the revocation and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d). If a decision is made not to revoke an exemption, the Department shall immediately notify the operator and any person having an interest which is or maybe may be adversely affected by the decision and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d).

- 2) Any person having an interest which is or may be adversely affected may request administrative hearing of a decision whether to revoke an exemption within thirty (30) days of the notification of such decision in accordance with procedures established under 62 Ill. Adm. Code 1775.11 1847.3.

- 3) A petition for administrative hearing filed under Section 1775.11 62 Ill. Adm. Code 1847.3 shall not suspend the effect of a decision whether to revoke an exemption.

d) Direct enforcement.

- 1) An operator mining in accordance with the terms of an approved exemption shall not be cited for violations of the regulatory program which occurred prior to the revocation of the exemption.

- 2) An operator who does not conduct activities in accordance with the terms of an approved exemption shall be subject to direct enforcement action for violations of the regulatory program which occur during the period of such activities.

- 3) Upon revocation of an exemption or denial of an exemption application, an operator shall stop conducting surface coal mining operations until a permit is obtained and shall comply with the reclamation standards of 62 Ill. Adm. Code 1800-1850 with regard to conditions, areas and activities existing at the time of revocation or denial.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1702.18 Reporting Requirements

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a) Written report.

- 1) Following approval by the Department of an exemption for a mining area, the person receiving the exemption shall, for each mining area, file a written report annually with the Department containing the information specified in Section 1702.18(b) 1702.18(b).
- 2) The report shall be filed no later than thirty (30) days after the end of the 12-month period as determined in accordance with the definition of "cumulative measurement period" in Section 1702.5.

- 3) The information in the report shall cover:

- A) Annual production of coal and other minerals and annual revenue derived from coal and other minerals during the preceding 12-month period, and
- B) The cumulative production of coal and other minerals and the cumulative revenue derived from coal and other minerals.

- b) For each period and mining area covered by the report, the report shall specify:

- 1) The number of tons of extracted coal sold in bona fide sales and total revenue derived from such sales;
- 2) The number of tons of coal extracted and used or transferred by the operator or related entity and the estimated total fair market value of such coal;
- 3) The number of tons of coal stockpiled;
- 4) The number of tons of other commercially valuable minerals extracted and sold in bona fide sales and total revenue derived from such sales;
- 5) The number of tons of other commercially valuable minerals extracted and used or transferred by the operator or related entity and the estimated total fair market value of such minerals; and
- 6) The number of tons of other commercially valuable minerals removed and stockpiled by the operator.

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(Source: Amended at Ill. Reg. _____, effective _____)

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1) The Heading of the Part: General Content Requirements for Permit Applications2) Code Citation: 62 Ill. Adm. Code 17773) Section Number: 1777.17
Proposed Action: Amended4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1777.17 sets forth requirements for the submission of permit fees. Section 1777.17 is proposed to be reorganized and amended to provide that failure to submit permit fees within one year after the issuance of the Department's written findings approving a permit application will result in the expiration of those findings. The proposed revisions are intended to eliminate situations where permits are issued based on outdated written findings.

6) Will this proposed rule replace an emergency rule currently in effect?
No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300

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P.O. Box 10137
Springfield, IL 62791-0137

Comments must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1777

GENERAL CONTENT REQUIREMENTS FOR PERMIT APPLICATIONS

Section	Scope
1777.1	Format and Contents
1777.11	Reporting of Technical Data
1777.13	Maps and Plans: General Requirements
1777.14	Completeness
1777.15	Permit Fees

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 8069, effective July 1, 1987; amended at 111. Reg. _____, effective _____.

Section 1777.17 Permit Fees

Each application for a surface coal mining and reclamation permit pursuant to the regulatory program shall be accompanied by a fee determined as follows:

- a) Permit fees are payable at the time of issuance and on the anniversary date of the permit. Those permits for which fees are not received within thirty (30) days of the anniversary date are subject to the provisions of 62 Ill. Adm. Code 1840 through 1845.
- b) Permit fees shall be determined as follows:
 - a1) The permit fee for areas to be surface mined is one hundred and twenty-five dollars (\$125.00) per bonded acre, payable as a lump sum or in equal annual increments for the permit term;
 - b2) For all other areas within the permit area, for both surface and underground mines, the fee will be five dollars (\$5.00) per acre for each year the bond is in force;
 - c) Permit fees are payable at the time of issuance and on the anniversary date of the permit. Those permits for which fees are not received within thirty (30) days of the anniversary date are subject to the provisions of 62 Ill. Adm. Code 1840 through 1845. If permit fees are submitted within 180 days of the date of the Department's written findings approving a permit application, such fees may be paid in accordance with subsection (b)(2). Permit fees

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which are not submitted within 180 days of the date of the Department's written findings approving a permit application shall be paid as a lump sum.

- d) Failure to submit permit fees within one (1) year of the issuance of the Department's written findings approving a permit application under 62 Ill. Adm. Code 1773.15(c) shall result in the expiration of those findings.

(Source: Amended at Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: General Definitions

- 2) Code Citation: 62 Ill. Adm. Code 1701

- 3) Section Number: Proposed Action:

1701.Appendix A Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved.

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1701.Appendix A sets forth the Department's general definitions. Revisions to land use categories under the the definition of "land use" are proposed for clarification purposes, management efficiency and/or to be consistent with federal counterpart rules. The existing definition of "land use" indicates that support facilities and joint or seasonal uses may be included within a specific land use category but does not define what those facilities or uses are. The proposed revisions define allowable support facilities and joint or seasonal uses within specific land use categories.

The definition of "public park" is being revised to be consistent with its federal counterpart regulation.

A definition of "riparian zone" is proposed to be added for clarification purposes.

The definition of "valid existing rights" is proposed to be deleted from the general definition Section as it is being revised and moved to Part 1761 in this rulemaking.

Minor clerical changes and updating are also proposed throughout the Section.

- 6) Will this proposed rule replace an emergency rule currently in effect?

No

- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:
Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137
- Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.
- Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.
- 12) Initial Regulatory Flexibility Analysis:
- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1701 GENERAL DEFINITIONS

Section
1701.5 Definitions
APPENDIX A Definitions

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4932; amended at 11 Ill. Reg. 8075, effective July 1, 1987; amended at 14 Ill. Reg. 11800, effective January 1, 1991; amended at 15 Ill. Reg. 17141, effective January 1, 1992; amended at _____ Ill. Reg. _____, effective _____.

(Note: Capitalization denotes statutory language.)

Section 1701.APPENDIX A Definitions

As used in 62 Ill. Adm. Code 1700 - 1850, the following terms have the specified meanings, except when another meaning is given:

"Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid-forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water or weather processes, form acids that may create acid drainage.

"Act or Federal Act" means the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87. (30 U.S.C. 1201 et seq.).

"Adjacent area" means the area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the Department determines to contain information addressing each application requirement of the regulatory program and to contain all information

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necessary to initiate processing and public review.

"Affected area" means, with respect to surface mining activities, any land or water upon or in which those activities are conducted or located. With respect to underground mining activities, affected area means: any water or surface land upon which those activities are conducted or located.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Applicant" means any person seeking a permit; permit revision; renewal; or transfer, assignment or sale from the Department to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the Department under these regulations for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

"APPROXIMATE ORIGINAL CONTOUR" MEANS THAT SURFACE CONFIGURATION ACHIEVED BY BACKFILLING AND GRADING OF THE MINED AREAS SO THAT THE RECLAIMED AREA, INCLUDING ANY TERRACING OR ACCESS ROADS, CLOSELY RESEMBLES THE GENERAL SURFACE CONFIGURATION OF THE LAND PRIOR TO MINING AND BLENDS INTO AND COMPLEMENTS THE DRAINAGE PATTERN OF THE SURROUNDING TERRAIN, WITH ALL HIGHWALLS, AND SPOIL PILES AND COAL REFUSE PILES ELIMINATED. Permanent water impoundments may be permitted where the Department has determined that they comply with 62 Ill. Adm. Code 1816.49 and 1816.56, 1816.133 or 1817.49, 1817.56 and 1817.133. Section 1.03(a)(2) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1989 1991 ch. 96 1/2, par. 7901.03(a)(2)).

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for specific use.

"Article" means an article of the State Act.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the cliff or highwall and transporting the coal along an auger bit to the surface.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will

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prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by 62 Ill. Adm. Code 1816.42; and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Department, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 62 Ill. Adm. Code 1816 and 1817.

"Boxcut" means the first open cut resulting in the placing of overburden on unmined land adjacent to the initial pit.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-84 found at pp. 247-252 in Vol 5.05 of the Annual Book of ASTM Standards published by the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103.

"Coal exploration" means the field gathering of: surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 62 Ill. Adm. Code 1700 - 1850.

"Coal mine waste" means coal processing waste and underground development waste.

"Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the area upon which such activities occur.

"Coal processing or coal preparation" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal preparation plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other

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processing or preparation. It includes facilities associated with coal preparation activities including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments; coal processing and other waste disposal areas.

"Coal processing waste" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for functions of community groups; used for an educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

"Compaction" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and accurate application" means an application for permit approval or approval for coal exploration where required, which the Department determines contains all information which the State Act and 62 Ill. Adm. Code 1700 - 1850 require.

"Consolidated material" means materials of sufficient hardness or stability to resist weathering so as to inhibit erosion or sloughing.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

- the proposed operation;
- all existing operations;

any operation for which a permit application has been submitted to

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the Department.

"Darkened surface soil" means mineral horizons formed at or adjacent to the surface of the soil which are higher in organic matter content, and visibly darker in color than the immediately underlying horizons.

"Department" means the Illinois Department of Mines and Minerals, or its successor.

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director of the Department.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by 62 Ill. Adm. Code 1800 is released.

"Diversification" means a channel, embankment, or other man-made structure constructed to divert water from one area to another.

"Downslope" means the land surface between the projected outcrop of the lowest coalbed being mined along each highwall and a valley floor.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means

any person employed by the Department who performs any function or duty under the Act; and
any function or duty under the Act, if they perform decision-making functions for the Department under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

"Ephemeral stream" means a stream which meets both requirements:

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It flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice; and

It has a channel bottom that is always above the local water table.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided, the spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 62 Ill. Adm. Code 1816.102(d) and 1817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure used in connection with surface coal mining and reclamation operations for which construction began prior to June 1, 1982.

"Federal Director" means the Director of the Federal Office of Surface Mining Reclamation and Enforcement.

"Final cut" means the last pit created in a surface-mined area.

"Fragile lands" means geographic areas containing important natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under Section 7.01 of the State Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7907.01) and 62 Ill. Adm. Code 1761.11, if those areas have characteristics requiring additional areal protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation, it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed.

"Gravity discharge" means, with respect to underground mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a mine to the level of the discharge is not gravity discharge.

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"Ground cover" means the area of ground covered by the combined aboveground parts of vegetation and by the litter that is produced naturally on site.

"Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

"Head-of-hollow fill" means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

"High capability land" means land not meeting the definition of prime farmland or land exempted in accordance with 62 Ill. Adm. Code 1785.17 where the Department determines the following three facts are present together:

The land is capable of being reclaimed for row-crop agricultural purposes;

The land is suitable for row-crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining (all soil types in capability Classes I, II, III and those soil types in capability Class IV with slopes of five (5) percent or less), as set forth in Land Capability Classification, Agriculture Handbook No. 210, published by the U.S. Department of Agriculture, Soil Conservation Service in 1973; and

The optimum future use of the land is for row-crop agricultural purposes.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

"Higher or better uses" means post-mining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

"Historically used for cropland" means:

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Lands that have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding the acquisition, including purchase, lease, or option, of the lands for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations;

Lands that the Department determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration that the permit area is clearly cropland but falls outside the specific five (5)-year-in-ten (10) criterion, in which case the regulations for prime farmland shall be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or

Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means important historic, cultural, and scientific areas that could be damaged or be destroyed by surface coal mining operations. Examples of historic lands include archaeological and paleontological sites, National Historic Landmark sites, sites listed on or eligible for listing on a State or National Register of Historic Places, sites having religious or cultural significance to native Americans or religious groups or sites for which historic designation is pending.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of the State Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a

rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement. Section 1.03(a)(7) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(7)).

"Impounding structure" means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's duties and the coal mining operation in which the spouse, minor children, or other resident relatives hold a financial interest.

"In situ processes" means activities conducted in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Institute" means the Department of Energy and Natural Resources or such other agency as designated by the Director in accordance with Section 7.03 of the State Act.

"Interagency Committee" means the Interagency Committee on Surface Mining Control and Reclamation Section 1.05 of the State Act created.

"Intermittent stream" means:

A stream or reach of a stream that drains a watershed of at least one (1) square mile; or
A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the environment in violation of the State Act or these regulations that cannot be corrected by actions of the applicant.

"Land capability" means the soils' premining capabilities based on the United States Department of Agriculture, Soil Conservation Service

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classification system as found in Agriculture Handbook No. 210, Land Capability Classification, (published in 1973) as interpreted from the soils map for sustained production of commonly cultivated crops or for the production of permanent vegetation.

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department in accordance with 62 Ill. Adm. Code 1780.23.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Allowable support facilities include access roads, farm buildings, hedgerows, erosion control structures such as grassed waterways, terraces and sediment ponds, and other incidental facilities related to cropland management, except that no facility, other than erosion control structures, may be located on prime farmland.

"Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by the livestock or occasionally cut and cured for livestock feed. Allowable support facilities include access roads, farm buildings, erosion control structures such as grassed waterways, down-drains, terraces and sediment ponds, water impoundments used for stock watering, and other incidental facilities related to pasture management.

"Grazingland" means land used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

"Forestry" means land used or managed for the long-term production of wood, wood fiber, or wood-derived products. Allowable support facilities include water impoundments, access and fire control lanes, erosion control structures such as grassed waterways, down-drains, terraces and sediment ponds, and other incidental facilities related to sound multiple use management of the forest resource.

"Residential" means land used for single- and multiple-family housing, mobile home parks, and other residential lodgings.

"Industrial/Commercial" means land used for:

Extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities.

Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

"Recreation" is land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses. Allowable support facilities include water impoundments, access roads, and other incidental facilities related to the recreational development of the area.

"Fish and wildlife habitat" is land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Allowable support facilities include water impoundments, access lanes, erosion control structures such as grassed waterways, down-drains, terraces and sediment ponds, and other incidental facilities related to sound fish and wildlife management practices.

"Developed water resources" includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply. Where appropriate, developed water resources are considered a joint or seasonal use with cropland, pastureland, forestry, recreation and fish and wildlife habitat.

"Undeveloped land or no current use or land management" includes land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession. A post-mining designation of undeveloped land shall not be allowed for any land which is proposed to be affected by the mining operation.

"MINING OPERATIONS OR SURFACE COAL MINING OPERATIONS" MEANS BOTH SURFACE MINING OPERATIONS AND UNDERGROUND MINING OPERATIONS. Section 1.03(a)(11) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(11)).

"Moist bulk density" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at one hundred and five degrees (105° C).

"MSHA" means the Mine Safety and Health Administration of the United States Department of Labor.

"Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

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"Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches, and areas of unstable geology.

"Noxious plants" means any plant species listed as a "noxious weed" under regulations authorized by the Illinois Noxious Weed Law (Ill. Rev. Stat. 1989 1991, ch. 5, pars. 951 et seq.); any plant species whose seed is listed as a "prohibited (primary) noxious weed" or "restricted" (secondary) noxious weed" or "weed seeds" under regulations authorized by the Illinois Seed Law (Ill. Rev. Stat. 1989 1991, ch. 5, pars. 401 et seq.); or any plant which the Department of Agriculture has declared a pest under the Illinois Pesticide Act. (Ill. Rev. Stat. 1989 1991, ch. 5, pars. 801 et seq.)

"Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation. Office-means--the Office-of-Surface-Mining-Reclamation-and-Enforcement--U-S-Department-of-the-Interior--

"Office" means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

"Operator" means any person engaged in coal mining who removes or intends to remove more than two hundred and fifty (250) tons of coal from the earth or from coal refuse piles by mining within twelve (12) consecutive calendar months in any one location.

"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Perennial stream" means a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850, and the requirements of the permit and reclamation plan.

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"Performing any function or duty under this Act" means those decisions or actions, which if an employee performed or did not perform would affect the programs under the State Act.

"Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the Department and other appropriate State and Federal agencies.

"Permanent impoundment" means an impoundment which the Department approved and, if required, is approved by other State and Federal agencies for retention as part of the post-mining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations which the Department issues pursuant to the State program.

"Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit indicated on the approved map which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area. The permit area excludes the area defined in these regulations as the shadow area.

"Permit term" means the period during which the permittee may engage in mining and reclamation operations under the permit. Section 1.03(a)(18) of the Surface Coal Mining Land Conservation and Reclamation Act. (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(18)).

"Permittee" means a person holding or required by the State Act or these regulations to hold a permit to conduct surface coal mining and reclamation operations issued by a Department pursuant to a State program.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, general partnership, limited partnership, business trust association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization or any agency, unit, or instrumentality of Federal, State or local government including any publicly-owned utility or publicly-owned corporation of Federal, State or local government.

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"Person having an interest which is or may be adversely affected" or "Person with a valid legal interest" shall include any person:
Who uses any resources of economic, recreational, esthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department; or

Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department.

"Placeland" means undisturbed land before any mining activity.

"Precipitation event" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, precipitation event also includes that quantity of water emanating from snow cover as snow-melt in a limited period of time.

"Previously mined area" means land that had been mined before August 3, 1977.

"Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (43 Fed. Reg. 4031 (1978)) and which have historically been used for cropland as that phrase is defined above.

"Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface and mineral estates within the permit area and the mineral estate within the shadow area.

"Public building" means any structure that is owned or leased and principally used by a public government agency for public business or meetings.

"Public office" means a facility under the control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

"Publicly-owned park" means a public park that is owned by a Federal, State or local governmental entity.

"Public road" means a road:

which has been designated as a public road pursuant to the law of the jurisdiction in which it is located;
which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction;
for which there is substantial (more than incidental) public use; and

which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Qualified registered professional engineer" means a civil engineer, mining engineer, environmental engineer or general engineer meeting the requirements of Section 9 of The Illinois Professional Engineering Act. (Ill. Rev. Stat. 1989 1991, ch. 111, par. 5112).

"Rangeland" means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"Reclamation" means those actions which these regulations require to restore mined land to a post-mining land use which the Department has approved. These actions do not include subsidence control measures conducted in the shadow area to restore damaged land to pre-mining capability.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the ten (10)-year, twenty-four (24)-hour precipitation event would be that twenty-four (24)-hour precipitation event expected to occur on the average once in ten (10) years.

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"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by Department - approved crop production methods. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regional director" means Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement or Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement's representative.

"Regulatory program" means Illinois' permanent regulatory program which the Office of Surface Mining Reclamation and Enforcement approved and set forth in 30 CFR 913.1-913.16 (1986 1991). 30 CFR 913.1-913.16 do not include any subsequent amendments or editions.

"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

"Responsible land management" means that combination of preparation, maintenance, fertilization and tilling of land capable of producing row crops which would be practiced by a person in the business of producing row crops on unmined land in the same region on the same, or similar, soil type as the mined land being managed, which practices can reasonably be expected to continue after mining and reclamation are completed, as determined by the Department.

"Riparian zone" (for intermittent and perennial streams) means the total floodplain acreage of an intermittent or perennial stream within the permitted area which is inundated by the peak runoff from the two (2) year, twenty-four (24) hour precipitation event.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in surface coal mining and reclamation operations or coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface. The term includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in surface coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from

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transfer, processing or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces.

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Shadow area" means any area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act that may be adversely impacted by underground mining operations including impacts of subsidence.

"Significant forest cover" means an area where the plant community consists predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air or water resources" means:

An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life;

An environmental harm is imminent if a condition, practice, or violation exists which:

Is causing such harm; or

May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 8.06(c) of the State Act. (Ill. Rev.

Stat. 1989 1991, ch. 96 1/2, par. 7908.06(c)).

An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Siltation structure" means a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will meet applicable effluent standards.

"Slope" means average inclination of a surface measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v: 5h). It may also be expressed as a percent or in degrees.

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"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

A horizon. The uppermost mineral layer, often called the surface soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

E horizon. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from the underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

B horizon. The layer that typically is immediately beneath the A and E horizons and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

C horizon. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 62 Ill. Adm. Code 1785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"State Act" means the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.)

"State regulatory program" means the Illinois program which the Secretary approved on June 1, 1982 pursuant to 30 CFR 732.1 through 732.15.

"Steep slope" means any slope of more than twenty (20) degrees or such

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lesser slope as the Department may designate after consideration of such regional characteristics as soil and climate.

"Substantially disturb" means, for purposes of coal exploration, to impact significantly upon land, air or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine alone, as described in the above example, are not sufficient to constitute substantial legal and financial commitments.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over the coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface coal mining and reclamation operations", or "mining and reclamation operations", means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations".

"Surface coal mining operations", or "mining operations" means: Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 of the Federal Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce, or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of

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coal. Such activities also include the loading of coal for interstate commerce at or near the mine-site, provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed sixteen and two-thirds (16 2/3) per centum of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Federal Act; and provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

The areas upon which the activities described in subsection (a) of the first paragraph of this definition occur or where those activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"SURFACE MINING OPERATIONS" MEANS ACTIVITIES CONDUCTED ON THE SURFACE OF LANDS IN CONNECTION WITH A SURFACE COAL MINE OR SURFACE OPERATIONS. SUCH ACTIVITIES INCLUDE EXCAVATION FOR THE PURPOSE OF OBTAINING COAL INCLUDING SUCH COMMON METHODS AS CONTOUR, STRIP, AUGER, MOUNTAIN TOP REMOVAL, BOX CUT, OPEN PIT, AND AREA MINING, COAL RECOVERY FROM COAL WASTE DISPOSAL AREAS, THE USE OF EXPLOSIVES AND BLASTING, AND IN SITU DISTILLATION OR RETORTING, LEACHING OR OTHER CHEMICAL OR PHYSICAL PROCESSING, AND THE CLEANING, CONCENTRATING, OR OTHER PROCESSING OR PREPARATION, LOADING OF COAL AT OR NEAR THE MINE SITE; AND THE AREAS ON WHICH SUCH ACTIVITIES OCCUR OR WHERE SUCH ACTIVITIES DISTURB THE NATURAL LAND SURFACE. SUCH AREAS INCLUDE ANY ADJACENT LAND THE USE OF WHICH IS INCIDENTAL TO ANY SUCH ACTIVITIES, ALL LANDS AFFECTED BY THE CONSTRUCTION OF NEW ROADS OR THE IMPROVEMENT OR USE OF EXISTING ROADS TO GAIN ACCESS TO THE SITE OF SUCH ACTIVITIES AND FOR HAULAGE, AND STOCKPILES, OVERBURDEN PILES, SPOIL BANKS, CULM BANKS, TAILINGS, HOLES OR DEPRESSIONS, REPAIR AREAS, STORAGE AREAS, PROCESSING AREAS, SHIPPING AREAS AND OTHER AREAS UPON WHICH ARE SITED STRUCTURES, FACILITIES, OR OTHER PROPERTY OR MATERIALS ON THE SURFACE, RESULTING FROM OR INCIDENT TO SUCH ACTIVITIES. Section 1.03(a)(24) of the Surface Coal Mining Land Conservation and Reclamation Act (111. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(24)).

"Suspended solids or nonfilterable residue, expressed as milligrams per liter", means any materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined

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by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

"Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Temporary impoundment" means an impoundment which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Ton" means two thousand (2000) pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

"Toxic - forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to living organisms or uses of water.

"Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill or injure, or impair living organisms commonly present in the area that might be exposed to it.

"Transfer, assignment or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit which the Department issued.

"Underground development waste" means waste rock mixtures resulting from development of areas for underground mining activities.

"Underground mining activities" means a combination of:

Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and Underground operations such as underground construction, operation, and reclamation of shafts, adits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

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"UNDERGROUND MINING OPERATIONS" MEANS THE UNDERGROUND EXCAVATION OF COAL; AND

SURFACE OPERATIONS INCIDENT TO THE UNDERGROUND EXTRACTION OF COAL, SUCH AS CONSTRUCTION, USE, MAINTENANCE, AND RECLAMATION OF ROADS, ABOVE-GROUND REPAIR AREAS, STORAGE AREAS, PROCESSING AREAS, SHIPPING AREAS, AREAS ON WHICH ARE SITED SUPPORT FACILITIES INCLUDING HOIST AND VENTILATION DUCTS, AREAS USED FOR THE STORAGE AND DISPOSAL OF WASTE, AND AREAS ON WHICH MATERIALS INCIDENT TO UNDERGROUND MINING OPERATIONS ARE PLACED; AND

UNDERGROUND OPERATIONS INCIDENT TO UNDERGROUND EXCAVATION OF COAL, SUCH AS UNDERGROUND CONSTRUCTION, OPERATION, AND RECLAMATION OF SHAFTS, ADITS, UNDERGROUND SUPPORT FACILITIES, IN SITU PROCESSING, AND UNDERGROUND MINING, HAULING, STORAGE, OR BLASTING. Section 1.03(a)(26) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.03(a)(26)).

"UNWARRANTED FAILURE TO COMPLY" MEANS THE FAILURE OF A PERMITEE TO PREVENT THE OCCURRENCE OF ANY VIOLATION OF THE OPERATOR'S PERMIT OR ANY REQUIREMENT OF THE STATE ACT DUE TO INDIFFERENCE, LACK OF DILIGENCE, OR LACK OF REASONABLE CARE, OR THE FAILURE TO ABATE ANY VIOLATION OF SUCH PERMIT OF THE STATE DUE TO INDIFFERENCE, LACK OF DILIGENCE, OR LACK OF REASONABLE CARE. Section 1.03(a)(27) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7901.03(a)(27)).

"Valid-existing-rights"-means:

Except--for--hau--roads--that--a--person--possesses--valid--existing rights--for--an--area--protected--under--Section--7-01--of--the--State--Act (Ill. Rev. Stat. 1989, ch. 96 1/2, par. 7907.01) on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of the Illinois Constitution of 1970 or both.

For--hau--roads

A--recorded--right--of--way--recorded--easement--or--a--permit--for--a coal--hau--road--recorded--as--of--August--3--1977--or--at--the--time of--the--designation--of--an--area--as--to--which--a--conflict--is alleged--as--part--of--a--national--system--listed--in--Section--7-01 of--the--State--Act--or--at--the--time--of--the--coming--into--existence within--the--prohibited--distance--of--a--structure--road--cemetery--or--other--activity--listed--in--Section--7-01--of--the State--Act--or

Any other road in existence as of August 3, 1977, or at the time of the designation of an area as to which a conflict is

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alleged--as--part--of--a--national--system--listed--in--Section--7-01 of--the--State--Act--or--at--the--time--of--coming--into--existence within--the--prohibited--distance--of--a--structure--road--cemetery or--other--activity--listed--in--Section--7-01--of--the--State--Act.

Where an area comes under the protection of Section 7-01 of the State Act after August 3, 1977, valid-existing right shall be found if:

On the date the protection comes into existence--a validly authorized surface coal mine operation exists on that area--or the prohibition caused by Section 7-01 of the State Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of the Illinois Constitution of 1970 or both.

Interpretation of the terms of the document relied upon to establish valid-existing rights shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or where Illinois case law is lacking upon the usage and custom at the time and place where it came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

"Valley fill" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than twenty (20) degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

"Violation notice" means any notification, by letter, memorandum, legal or administrative pleading, or other written communication, from a governmental entity, telling of a violation of law.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"Willful violation" means a deliberate act or omission which violates the State Act, these regulations, or any permit condition which the State Act requires.

(Source: Amended at Ill. Reg. effective)

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- 1) The Heading of the Part: General Rules Relating to Procedure and Practice
- 2) Code Citation: 62 Ill. Adm. Code 1848
- 3) Section Number:
- | | |
|---------|-------------------------|
| 1848.1 | <u>Proposed Action:</u> |
| 1848.2 | New Section |
| 1848.3 | New Section |
| 1848.5 | New Section |
| 1848.6 | New Section |
| 1848.7 | New Section |
| 1848.8 | New Section |
| 1848.9 | New Section |
| 1848.11 | New Section |
| 1848.12 | New Section |
| 1848.13 | New Section |
| 1848.15 | New Section |
| 1848.16 | New Section |
| 1848.18 | New Section |
| 1848.19 | New Section |
| 1848.20 | New Section |
| 1848.21 | New Section |
| 1848.22 | New Section |
- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).
- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Proposed new Part 1848 contains general procedural rules applicable to administrative hearings. Procedural provisions are currently scattered throughout various Parts of the Department's rules, and it is often unclear what procedural rules apply to the various types of administrative hearings. The proposed rules more closely track Illinois' procedure and practice rules than do the existing rules. By reorganizing to include all procedure and practice rules in one Part, the Department hopes to add consistency and clarity to its rules.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed rules will have no impact on local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Rules begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1848

GENERAL RULES RELATING TO PROCEDURE AND PRACTICE

Section

1848.1	Scope and Purpose
1848.2	Documents
1848.3	Transcript of Hearings
1848.5	Notice of Hearing
1848.6	Ex Parte Contacts
1848.7	Pre-Hearing Conferences
1848.8	Intervention
1848.9	Discovery
1848.11	Expert Witnesses
1848.12	Motions
1848.13	Consolidation of Proceedings
1848.15	Rules of Evidence; Official Notice
1848.16	Powers of Hearing Officers
1848.18	Postponement or Continuance of Hearing
1848.19	Failure to State a Claim
1848.20	Summary Decision
1848.21	Proposed Findings of Fact and Conclusions of Law
1848.22	Default

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____.

Section 1848.1 Scope and Purpose

- a) In the interest of establishing and maintaining uniformity to the extent feasible, this Part sets forth, unless otherwise noted, general rules applicable to permit hearings, citation hearings, civil penalty assessment hearings, show cause hearings, bond forfeiture hearings, individual civil penalty hearings and bond release hearings conducted under 62 Ill. Adm. Code 1847.
- b) As used in this Part and unless otherwise specified, "hearing" shall be deemed to include the various types of hearings set forth in 62 Ill. Adm. Code 1847.

Section 1848.2 Documents

- a) Filing of documents. The effective filing date for documents shall

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be the date of receipt by the Department's Springfield, Illinois office.

- b) Service. A copy of each document filed in a review proceeding under 62 Ill. Adm. Code 1847 must be served by the filing party on the other party or parties to the proceeding. In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney in addition to any other service specifically required by law. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.
- c) Retention of documents. All documents, books, records, papers, etc., received in evidence in a hearing or submitted for the record in any proceeding will be retained with the official record of the proceeding.
- d) Record address. Every person who files a document for the record or requests notice in connection with a proceeding conducted under 62 Ill. Adm. Code 1847 shall at the time of his initial filing in the matter state his address. If a person fails to furnish a record address as required herein he will not be entitled to notice in connection with the proceedings.
- e) Computation of time. Computation of any period of time prescribed herein shall be done in accordance with 62 Ill. Adm. Code 1700.15.
- f) Extensions of time.
 - 1) Upon a showing of just cause, the time for filing or serving any document may be extended by the hearing officer before whom the proceeding is pending except where such extension is contrary to law or regulation.
 - 2) A request for an extension of time must be filed within the time allowed for the filing or serving of the document.
- g) Petitions for review and requests for hearing. Petitions for review and requests for hearing under 62 Ill. Adm. Code 1847 shall be filed with the Illinois Department of Mines and Minerals, Land Reclamation Division, 300 West Jefferson, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

Section 1848.3 Transcript of Hearings

- A verbatim transcript of any hearing held under 62 Ill. Adm. Code 1847 shall

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be provided to the Department by a court reporter appointed by the Department, and shall constitute a part of the record. Copies of the transcript shall be furnished, at cost, upon request to the court reporter.

Section 1848.5 Notice of Hearing

The hearing officer shall give written notice of hearing to the parties. Such notice shall include:

- a) A statement of the time, place and nature of the hearing;
- b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c) A reference to the particular section of the substantive and procedural statutes and rules involved;
- d) A short and plain statement of the matters asserted, the consequences of a failure to respond and the official file or other reference number or name;
- e) The names and mailing addresses of the hearing officer and all parties.

Section 1848.6 Ex Parte Contacts

Ex parte contacts between the parties and the hearing officer concerning the merits of a proceeding are prohibited except upon notice and opportunity for all parties to participate. This section does not prohibit communications concerning case status or advice concerning compliance with procedural requirements unless the area of inquiry is in fact an area of controversy in the proceeding.

Section 1848.7 Pre-Hearing Conferences

- a) At the request of any party to a hearing, a pre-hearing conference shall be scheduled by the hearing officer:

- 1) To define the factual and legal issues to be litigated at the hearing;
- 2) To set a discovery schedule for the hearing, in accordance with 62 Ill. Adm. Code 1848.9;
- 3) To schedule a date for the hearing; and
- 4) To arrive at an equitable settlement of the hearing request, if possible.

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Section 1848.8 Intervention

- a) Any person may petition for leave to intervene at any stage of a proceeding under 62 Ill. Adm. Code 1847.
- b) A petitioner for leave to intervene shall incorporate in the petition a statement setting forth the interest of the petitioner and, where required, a showing of why his interest is or may be adversely affected.
- c) The Department or the hearing officer shall grant the petition to intervene where the petitioner:
 - 1) Had a statutory right to initiate the proceeding in which he wishes to intervene; or
 - 2) Has an interest which is or may be adversely affected by the outcome of the proceeding.
- d) If neither subsection (c)(1) nor (c)(2) apply, the hearing officer or the Department shall consider the following in determining whether intervention is appropriate:
 - 1) The nature of the issues;
 - 2) The adequacy of representation of petitioner's interest which is provided by the existing parties to the proceeding;
 - 3) The ability of the petitioner to present relevant evidence and argument; and
 - 4) The effect of intervention on the agency's implementation of its statutory mandate.

- e) Any person granted leave to intervene in a proceeding may participate in such proceeding as a full party or, if desired, in a capacity less than that of a full party. If an intervenor wishes to participate in a limited capacity, the extent and the terms of the participation shall be at the discretion of the Department.

Section 1848.9 Discovery

- a) Discovery methods. Parties may obtain discovery by one or more of the following methods:
 - 1) Depositions upon oral examination or upon written questions;

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- 2) Written interrogatories;
- 3) Production of documents or things or permission to enter upon land or other property, for inspection and other purposes; or
- 4) Requests for admission.

b) Time for discovery. Following the initiation of a proceeding, the parties may initiate discovery at any time as long as it does not interfere with the conduct of the hearing.

c) Scope of discovery.

- 1) Unless otherwise limited by order of the hearing officer in accordance with these rules, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. To the extent that any aspect of discovery is not addressed in this Section, the rules of discovery as applied in civil cases in the circuit courts of Illinois (Ill. Rev. Stat. 1991, ch. 110, par. 2-1003; Ill. Rev. Stat. 1991, ch. 110A, pars. 201-224) shall be followed. In the case of conflict between this Section and the rules of discovery as applied in civil cases in the circuit courts of Illinois, the latter shall govern.

- 2) It is not grounds for objection that information sought will not be admissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

- 3) A party may obtain discovery of documents and tangible things otherwise discoverable under subsection (a) and prepared in anticipation of or for the hearing by or for another party's representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the hearing officer shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the proceeding.

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- 4) Upon motion by a party or the person from whom discovery is sought, and for good cause shown, the hearing officer may make any order for which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- A) The discovery may not be had;
- B) The discovery may be had only on specified terms and conditions, including a designation of the time or place;
- C) The discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- D) Certain matters not relevant may not be inquired into, or that the scope of discovery be limited to certain matters;
- E) Discovery be conducted with no one present except persons designated by the hearing officer; or
- F) A trade secret or other confidential research, development, or commercial information may not be disclosed or be disclosed only in a designated way.

d) Sequence and timing of discovery. Unless the hearing officer upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

- e) Supplementation of responses. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:

- 1) A party is under a duty to timely supplement his response with respect to any question directly addressed to:

- A) The identity and location of persons having knowledge of discoverable matters; and
- B) The identity of each person expected to be called as an expert witness at the hearing, the subject matter on which he is expected to testify and the substance of his testimony.

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- 2) A party is under a duty to timely amend a prior response if he later obtains information upon the basis of which:
 - A) He knows the response was incorrect when made; or
 - B) He knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.
- 3) A duty to supplement responses may be imposed by order of the hearing officer or agreement of the parties.
- f) Stipulations. If the parties so stipulate, depositions and discovery may take place before any person, for any purpose, at any time or place and in any manner.
- g) Effect of discovery disclosure. Disclosure of any matter obtained by discovery is not conclusive, but may be contradicted by other evidence.
- h) Reasonable attempt to resolve differences required. Every motion with respect to discovery shall incorporate a statement that after personal consultation and reasonable attempts to resolve differences the parties have been unable to reach an accord. The hearing officer may order that reasonable costs, including attorney's fees, be assessed against a party or his attorney who unreasonably fails to facilitate discovery under this provision.

i) Depositions upon oral examination or upon written questions.

- 1) Any party may take the testimony of any party or person by deposition upon oral examination or written questions for the purpose of discovery or for use as evidence in the action. Any party desiring to take the testimony of any other party or other person by deposition upon oral examination shall, without leave of the hearing officer, give reasonable notice in writing to every other party, to the person to be examined and to the hearing officer, of:

- A) The proposed time and place of taking the deposition;
- B) The name and address of each person to be examined, if known, or if the name is not known, a general description sufficient to identify him or the particular group or class to which he belongs;

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- C) The matter upon which each person will be examined;
 - D) Whether the deposition is to be a discovery deposition or an evidence deposition. In the absence of specification the deposition shall be a discovery deposition only; and
 - E) The name or descriptive title and address of the officer before whom the deposition is to be taken.
- 2) A deposition upon oral examination may be taken before any officer authorized to administer oaths by the laws of Illinois.
 - 3) Scope and manner of examination and cross-examination.
 - A) The deponent in a discovery deposition may be examined regarding any matter subject to discovery under these rules. He may be questioned by any party as if under cross-examination.
 - B) In an evidence deposition the examination and cross-examination shall be the same as though the deponent were testifying at the hearing.
 - 4) Taking of the deposition. The actual taking of the deposition upon oral examination shall proceed as follows:
 - A) The deposition shall be on the record;
 - B) The officer before whom the deposition is to be taken shall put the witness under oath or affirmation;
 - C) Examination and cross - examination shall proceed as at a hearing;
 - D) Objections made at the time of the examination shall be included in the deposition. The officer before whom the deposition is taken shall not rule on objections to the evidence; evidence objected to shall be taken subject to the objection.
 - E) In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written questions to the officer, who shall propound them to the witness and record the answers verbatim.

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5) When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signature, unless examination and signature are waived by the deponent. The officer shall certify within the deposition that the deponent was duly sworn by him and that the deposition is a true record of the testimony given by the deponent. If the deposition is not signed by the deponent, the officer shall certify the deposition and state the reason for the omission of the signature. A certified deposition requires no further proof of authenticity.

Discovery depositions taken under the provisions of this Section may be used only:

- i) For the purpose of impeaching the testimony of the deponent as a witness;
- ii) As an admission made by a party or by an officer or agent of a party;
- iii) If otherwise admissible as an exception to the hearsay rule; or

6) Fees and charges. The party at whose instance the deposition is taken shall pay the fees of the witness and of the officer and the charges of the recorder or stenographer for attending.

- iv) For any purpose for which an affidavit may be used.

B) Use of evidence depositions. Evidence depositions may be used for any purpose for which a discovery deposition may be used, and may be used by any party for any purpose if the hearing officer finds that at the time of the hearing:

- i) The deponent is dead or unable to attend or testify because of age, sickness, infirmity or imprisonment;

- ii) The deponent is out of the county, unless it appears that the absence was procured by the party offering the deposition, provided that a party who is not a resident of this state may introduce his own deposition if he is absent from the county; or

- iii) The party offering the deposition has exercised reasonable diligence but has been unable to procure the attendance of the deponent by subpoena; or finds, upon notice and motion in advance of the hearing, that exceptional circumstances exist which make it desirable, in the interest of justice and with due regard for the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

C) Partial use. If only a part of a deposition is read or used at the hearing by a party, any other party may at that time read or use or require him to read any other part of the deposition which ought in fairness be considered in connection with the part read or used.

8) Use of depositions.

A) Purposes for which discovery depositions may be used.

- j) Written interrogatories to parties.

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- 1) Directing interrogatories. A party may direct written interrogatories to any other party. One (1) copy of the interrogatories shall be filed with the hearing officer with proof of service on all other parties entitled to notice. Written interrogatories shall be reasonably spaced so as to permit the answering party to make his answer on the interrogatories served upon him. The answering party may attach an addendum to the copies if the space provided is insufficient.
- 2) Duty of attorney. It is the duty of an attorney directing interrogatories to restrict them to the subject matter of the particular case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.
- 3) Answers and objections. Within twenty-eight (28) days after service of the interrogatories upon the party to whom they are directed, he shall file a sworn answer or an objection to each interrogatory, with proof of service upon all other parties entitled to notice. If an interrogatory is objected to, the reasons for objection shall be stated in lieu of the answer. Any objection to an answer or to the refusal to answer an interrogatory shall be heard by the hearing officer upon prompt notice and motion of the party propounding the interrogatory. The answering party shall set forth in full each interrogatory being answered immediately preceding the answer. Sworn answers to interrogatories directed to a public or private corporation or a partnership, association or governmental agency shall be made by an officer, partner or agent, who shall furnish such information as is available to the party.
- 4) Interrogatories may relate to any matters which can be inquired into under subsection (c). An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the hearing officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pre-hearing conference or other later time.
- 5) Option to produce documents. When the answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatory was served, it shall be a sufficient answer to the interrogatory to specify those documents and to afford the party serving the

- interrogatory a reasonable opportunity to inspect the documents and to make copies thereof or compilations, abstracts, or summaries therefrom.
- 6) Use of answers to interrogatories. Answers to interrogatories may be used in evidence to the same extent as a discovery deposition.
- k) Discovery of documents, objects and tangible things; inspection of real estate.
 - 1) Scope. Any party may by written request direct any other party to produce for inspection, copying, reproduction, photographing, testing or sampling specified documents, objects, or tangible things, or to permit access to real estate for the purpose of making surface or subsurface inspections or surveys or photographs, or tests or taking samples, or to disclose information calculated to lead to the discovery of the whereabouts of any of these items, whenever the nature, contents, or condition of such documents, objects, tangible things, or real estate is relevant to the subject matter of the action.
 - 2) The request shall specify a reasonable time, which shall not be less than twenty-eight (28) days except by agreement or by order of the hearing officer, and the place and manner of making the inspection and performing the related acts. One copy of the request shall be filed with the proof of service on all other parties entitled to notice.

- 3) A party served with the written request shall:
 - A) Comply with the request within the time specified; or
 - B) Serve upon the party who made the request written objections on the ground that the request is improper in whole or in part.
 - C) If written objections to a part of the request are made, the remainder of the request shall be complied with. Any objection to the request or the refusal to respond shall be heard by the hearing officer upon prompt notice and motion of the party submitting the request. If the party claims that the item is not in his possession or control or that he does not have information calculated to lead to the discovery of its whereabouts, he may be ordered to submit to examination in open hearing or by deposition regarding such claim. If requested, the party

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producing documents shall furnish an affidavit stating whether the production is complete in accordance with the request.

- 1) Admissions.
 - 1) A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the genuineness and authenticity of any relevant document described in or attached to the request, or for the admission of the truth of any specified relevant matter or fact.
 - 2) Each matter of which an admission is requested is admitted unless, within twenty-eight (28) days after service of the request or such shorter or longer time as the hearing officer may allow, the party to whom the request is directed serves on the requesting party:
 - A) A sworn statement denying specifically the relevant matters of which an admission is requested;
 - B) A sworn statement setting forth in detail the reasons why he can neither truthfully admit nor deny them; or
 - C) Written objections on the grounds that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. Any objection to a request or to an answer shall be heard by the hearing officer upon prompt notice and motion of the party making the request.
 - 3) An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.
 - 4) The party who has requested the admission may move to determine the sufficiency of the answer or objection. Unless the hearing officer determines that an objection is justified, he shall order that an answer be served. If the hearing officer determines that an answer does not comply with the requirement of subsection (1)(2), he may order either that the matter is admitted or that an amended answer be served. The hearing officer may, in lieu of these orders, determine that

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final disposition of the request be made at a pre-hearing conference or at a designated time prior to hearing.

- 5) Any matter admitted under this subsection is conclusively established unless the hearing officer on motion permits withdrawal or amendment of the admission.
- 6) Any admission made by a party under this subsection is for the purpose of the pending action only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.
- m) Failure to comply with rules or orders relating to discovery.
 - 1) If a deponent fails to answer a question propounded, or a party upon whom a request is made pursuant to subsection (k), or a party upon whom answers to interrogatories are served fails to adequately respond or objects to the request, or any part thereof, or fails to permit inspection as requested, the discovering party may move the hearing officer for an order compelling a response or inspection in accordance with the request.
 - 2) The motion shall set forth:
 - A) The nature of the questions or request;
 - B) The response or objection of the party upon whom the request was served; and
 - C) Arguments in support of the motion.
 - D) If the motion arose out of a failure to answer questions at a deposition, the motion shall be accompanied by a certified copy of the deposition transcript or a certified copy of that portion of the transcript containing the questions and responses.
- 3) For purposes of subsection (m), an evasive answer or incomplete answer or response shall be treated as a failure to answer or respond.
- 4) In ruling on a motion made pursuant to subsection (m), the hearing officer may issue a protective order, if authorized pursuant to subsection (c)(4).
- n) Failure to comply with orders compelling discovery. If a party or an officer, director, or other agent of a party fails to obey an

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order to provide or permit discovery, the hearing officer before whom the action is pending may make such orders in regard to the failure as are just, including but not limited to the following:

- 1) An order that the matters sought to be discovered or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
- 2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters into evidence; or
- 3) An order striking pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any party thereof, or rendering a judgment by default against the disobedient party.

Section 1848.11 Expert Witnesses

a) Definitions.

1) Definition of expert witness. An expert is a person who, because of education, training or experience, possesses knowledge of a specialized nature beyond that of the average person on a factual matter material to a claim or defense in pending litigation and who may be expected to render an opinion within his expertise at hearing. He may be an employee of a party, a party or an independent contractor.

2) Consulting expert. A consulting expert is a person who possesses the same qualifications as an expert witness and who has been retained or specially employed in anticipation of litigation or preparation for hearing but who is not to be called at hearing to render opinions within his area of expertise.

b) Disclosure.

1) Expert witnesses. Where the testimony of experts is reasonably contemplated, the parties shall act in good faith to seasonably:

- A) Ascertain the identity of such witnesses, and
- B) Obtain from them the opinions upon which they may be requested to testify.

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6) Unless manifest injustice would result, each party shall bear the expense of all fees charged by his expert witness or witnesses.

d) Scope of testimony. To the extent that the facts known or opinions held by an expert have been developed in discovery proceedings through interrogatories, deposition, or requests to produce, his direct testimony at hearing may not be inconsistent with nor go beyond the fair scope of the facts known or opinions disclosed in such discovery proceedings. However, he shall not be prevented from testifying as to facts or opinions on matters regarding which inquiry was not made in the discovery proceedings.

Section 1848.12 Motions

a) Except for oral motions made in proceedings on the record, or where the hearing officer otherwise directs, each motion shall:

- 1) Be in writing;
 - 2) State whether the movant wishes to argue the motion orally;
 - 3) Contain a concise statement of supporting grounds; and
 - 4) Be accompanied by a proposed order for entry by the hearing officer.
- b) Unless the hearing officer orders otherwise, any party to a proceeding in which a motion is filed under subsection (a) shall have fifteen (15) days from service of the motion to file a statement in response.
- c) Failure to make a timely motion or to file a statement in response may be construed as a waiver of objection.
- d) The hearing officer shall rule on all motions as expeditiously as possible.

Section 1848.13 Consolidation of Proceedings

When proceedings involving a common question of law or fact are pending before a hearing officer, such proceedings are subject to consolidation pursuant to a motion by a party or at the initiative of the hearing officer.

Section 1848.15 Rules of Evidence; Official Notice

a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil

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- 2) The hearing officer shall enter an order scheduling the dates upon which all expert witnesses shall be disclosed. Upon disclosure, the expert's opinion may be the subject of discovery as provided in subsection (c).
- 3) Consulting expert. Except as provided in subsection (c)(5), a party need not disclose the identity of a consulting expert.

c) Discovery.

- 1) Upon interrogatory propounded for that purpose, the party retaining or employing an expert witness shall be required to state:
 - A) The subject matter on which the expert is expected to testify;
 - B) His conclusions and opinions and the bases therefor; and
 - C) His qualifications.

- 2) The party answering such interrogatories may respond by submitting the signed report of the expert containing the required information.

- 3) A party shall be required to seasonably supplement his answers to interrogatories propounded under this Section as additional information becomes known to the party or his counsel.

- 4) The provisions of subsections (c) and (d) also apply to a party or an employee of a party who will render an opinion within his expertise at the time of hearing. However, the provisions of subsections (c) and (d) do not apply to parties or employees of entities whose professional acts or omissions are the subject of the litigation. The opinions of these latter persons may be the subject of disclosure by deposition only.

- 5) The identity, opinions and work product of consulting experts are discoverable only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject matter by other means. However, documents, objects and tangible things which are in the possession of a consulting expert and which do not contain his opinions may be obtained by a request for that purpose served upon the party retaining him.

cases in the circuit courts of Illinois shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.

- b) Official notice may be taken of the public records of the Department and of any matters of which the circuit courts of Illinois may take judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified of the material noticed either before or during the hearing, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be used in the evaluation of the evidence.

Section 1848.16 Powers of Hearing Officers

a) Hearing officers may:

- 1) Administer oaths and affirmations;
- 2) Issue subpoenas;
- 3) Issue appropriate orders relating to discovery;
- 4) Rule on procedural requests or similar matters;
- 5) Hold conferences for settlement or simplification of the issues;
- 6) Regulate the course of the hearing;
- 7) Rule on offers of proof and receive relevant evidence;
- 8) Where applicable, conduct site inspections of the land to be affected or where the surface coal mining and reclamation operations are located;
- 9) Enter appropriate orders;
- 10) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify and limit repetitive or cumulative testimony;

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- 11) Take other actions authorized by these regulations or by the State Act.

Section 1848.18 Postponement or Continuance of Hearing

A hearing may be postponed or continued for due cause by the hearing officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party shall be in accordance with Section 1848.12 and shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency as defined in Section 1848.22, motions requesting postponement or continuance shall be received by all parties to the hearing at least three (3) business days prior to the scheduled hearing date. Parties shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

Section 1848.19 Failure to State a Claim

Upon motion in accordance with Section 1848.12, the hearing officer may dismiss at any time a request for hearing which fails to state a claim upon which administrative relief may be granted.

Section 1848.20 Summary Decision

- a) At any time after a proceeding has begun, a party may move for summary decision of the whole or part of a case in accordance with Section 1848.12.
- b) The moving party under this section shall verify any allegation of fact with supporting affidavits, unless the moving party is relying upon depositions, answers to interrogatories, admissions, or documents produced upon request to verify such allegations.
- c) The hearing officer may grant a motion under this section if the record shows that:
 - 1) There is no disputed issue as to any material fact; and
 - 2) The moving party is entitled to summary decision as a matter of law.
- d) If a motion for summary decision is not granted for the entire case or for all the relief requested and a hearing is necessary, the hearing officer shall, if practicable, and upon examination of all relevant documents and evidence before him, ascertain what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts that appear without

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substantial controversy and direct such further proceedings as deemed appropriate.

Section 1848.21 Proposed Findings of Fact and Conclusions of Law

The hearing officer shall allow the parties to a proceeding an opportunity to submit proposed findings of fact and conclusions of law together with a supporting brief at a time designated by the hearing officer.

Section 1848.22 Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance has been granted, the hearing officer may proceed to make his decision in the absence of such party. If the failure to appear is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the conference or hearing will be continued or postponed pursuant to Section 1848.18. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative or similar situations beyond the parties' control.

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1) The Heading of the Part: Individual Civil Penalties

2) Code Citation: 62 Ill. Adm. Code 1846

3) Section Number:
1846.17
1846.18
Proposed Action:
Amended
Amended

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

The proposed revisions to Sections 1846.17(b)(1) and 1846.18(b) reflect the Department's reorganization of its administrative review rules in this rulemaking.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to

a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1846

INDIVIDUAL CIVIL PENALTIES

Section

- 1846.1 Scope
- 1846.5 Definitions
- 1846.12 When an Individual Civil Penalty may be Assessed
- 1846.14 Amount of Individual Civil Penalty
- 1846.17 Procedure for Assessment of Individual Civil Penalty
- 1846.18 Payment of Penalty

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 14 Ill. Reg. 11825, effective January 1, 1991; amended at ____ Ill. Reg. ____, effective ____.

Section 1846.17 Procedure for Assessment of Individual Civil Penalty.

- a) Notice. The Department shall service on each individual to be assessed an individual civil penalty a notice of proposed individual civil penalty assessment, including a narrative explanation of the reasons for the penalty, the amount to be assessed, and a copy of any underlying notice of violation and cessation order.

- b) Final order and opportunity for review. The notice of proposed individual civil penalty assessment shall become a final administrative decision of the Department thirty (30) days after service upon the individual unless:

- 1) The individual files, within thirty (30) days of service of the notice of proposed individual civil penalty assessment, a petition for review with the Illinois Department of Mines and Minerals, Land Reclamation Division, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197, in accordance with 62 Ill. Adm. Code 1843:16 1847.8; or
- 2) The Department and the individual or responsible corporate permittee agree within thirty (30) days of service of the notice of proposed individual civil penalty assessment to a schedule or plan for the abatement or correction of the violation, failure or refusal.

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- c) Service. For purposes of this Section, service is sufficient if it would satisfy the requirements of 62 Ill. Adm. Code 1843.14.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 1846.18 Payment of Penalty

- a) No abatement or appeal. If a notice of proposed individual civil penalty assessment becomes a final administrative decision in the absence of a petition for review or abatement agreement, the penalty shall be due upon issuance of the Department's decision.

- b) Appeal. If an individual named in a notice of proposed individual civil penalty assessment files a petition for review in accordance with Section 1843:16 62 Ill. Adm. Code 1847.8, the penalty shall be due upon issuance of a final administrative decision affirming, increasing or decreasing the proposed penalty.

- c) Abatement agreement. Where the Department and the corporate permittee or individual have agreed in writing on a plan for the abatement of or compliance with the unabated order, an individual named in a notice of proposed individual civil penalty assessment may postpone payment until receiving either a final administrative decision from the Department stating that the penalty is due on the date of such final administrative decision, or written notice that abatement or compliance is satisfactory and the penalty has been withdrawn.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

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- 1) The Heading of the Part: Permanent Program Performance Standards--
Surface Mining Activities

2) Code Citation: 62 Ill. Adm. Code 1816

<u>Section Number:</u>	<u>Proposed Action:</u>
1816.42	Amended
1816.43	Amended
1816.49	Amended
1816.84	Amended
1816.116	Amended
1816.117	Amended
1816.151	Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977
(30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and
Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et
seq.).

- 5) A complete description of the subjects and issues involved:

On December 13, 1991, the Federal Office of Surface Mining Reclamation and Enforcement (OSM), by final rule, instructed the Illinois Department of Mines and Minerals (Department) to submit proposed amendments designed to correct defects identified in Illinois' rules. See 56 Fed. Reg. 64986 (December 13, 1991).

In addition, the Department has identified rules that must be amended in order to correct clerical errors and to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1816.42 sets forth hydrologic balance requirements. It is proposed to be amended by updating citations in order to reflect the Department's designation as a regulatory authority pursuant to 35 Ill. Adm. Code 620 and to allow the Department to require additional information necessary to implement groundwater quality standards. The revisions also clarify the applicability of such standards to mining activities.

Section 1816.43 sets forth requirements for diversions. The proposed revision to subsection (a)(2)(D) corrects the date within the statutory citation. Subsection (b)(4) is proposed to be amended to clarify the design standard for post-mining riparian zones. The revision is intended to eliminate confusion among operators as to what the standard is, as such confusion has been evident over the past several years.

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Section 1816.49 sets forth requirements regarding impoundments. Subsection (a)(9)(B) is proposed to be revised in order to be more consistent with federal regulations. Existing federal regulations at 30 CFR 816.49(a)(10) require inspections "regularly" during construction. The Department's existing regulations require weekly inspections during construction. Based upon discussions with Departmental technical staff and representatives from OSM, the Mine Safety and Health Administration and industry, it is now felt that weekly inspection is an unnecessarily stringent requirement. The Department is therefore proposing quarterly inspections, with the provision that at least one inspection be conducted for impoundments completed in less than one quarter.

Subsection (c)(2), which sets forth requirements for temporary impoundments, is proposed to be revised to be consistent with its federal counterpart rule at 30 CFR 816.49(c).

Section 1816.84 sets forth the Department's requirements regarding coal mine waste impounding structures. The proposed amendment to subsection (b)(2) makes the rule consistent with and no less effective than its federal counterpart, 30 CFR 816.84(b)(2).

Section 1816.116 sets forth the Department's requirements for revegetation success standards. The proposed amendments to subsection (a)(2)(C) further define the normal husbandry practices in the state and are in response to OSM's December 13, 1991 directive that Illinois amend the regulation to be as effective as its federal counterpart, 30 CFR 816.116(c)(4).

Sections 1816.116(a)(3)(A) and (B) are proposed to be revised in order to eliminate confusion as to what ground covers are required for each land use and when in the responsibility period they are to be measured.

Sections 1816.116(a)(3)(C) and (E) are proposed to be revised in order to insure proper management of cropland, pasture, hayland and grazing land during the responsibility period if the productivity standards have been met prior to the last year of the responsibility period.

Section 1816.116(b)(2) is proposed to be revised to be specific as to the reasons for the reporting requirement and to provide for any parameter which may need to be reviewed in assessing normal husbandry practices under Section 1816.116(a)(2)(C).

Section 1816.117 sets forth the Department's revegetation requirements for tree and shrub vegetation. The second sentence of subsection (a)(1) is proposed to be revised in order to eliminate misinterpretation and make the regulation as effective as its federal counterpart, 30 CFR 816.116(c)(2). Section 1816.117(a)(2) is proposed to be revised in order to eliminate confusion as to what ground covers are required for

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each land use. The proposed revision to subsection (a) (5) references all of the fill and gully rules.

Section 1816.117(b) is proposed to be revised to clarify the population required in riparian zones in order to eliminate confusion, which has been evident the past several years, among operators.

Section 1816.117(d)(6) is being deleted and the content reorganized pursuant to OSM's December 13, 1991 directive that Illinois clarify that the 70% standard for vegetative ground cover does not apply in determining revegetation success on previously unmined pasture and/or hayland or grazing land, in order to make the regulation as effective as its federal counterpart, 30 CFR 816.116(a)(1).

Section 1816.151 establishes performance standards for primary roads. Subsection (b) is proposed to be revised in order to be as effective as its federal counterpart, 30 CFR 816.151(b).

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will

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not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1816

PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES

Section	
1816.11	Signs and Markers
1816.13	Casing and Sealing of Drilled Holes: General Requirements
1816.14	Casing and Sealing of Drilled Holes: Temporary
1816.15	Casing and Sealing of Drilled Holes: Permanent
1816.21	Topsoil: General Requirements (Repealed)
1816.22	Topsoil and Subsoil
1816.23	Topsoil: Storage (Repealed)
1816.24	Topsoil: Redistribution (Repealed)
1816.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1816.41	Hydrologic Balance: Protection
1816.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1816.43	Diversions
1816.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1816.45	Hydrologic Balance: Sediment Control Measures
1816.46	Hydrologic Balance: Siltation Structures
1816.47	Hydrologic Balance: Discharge of Structures
1816.48	Hydrologic Balance: Acid-Forming and Toxic-Forming Spoil (Repealed)
1816.49	Impoundments
1816.50	Hydrologic Balance: Ground Water Protection (Repealed)
1816.51	Hydrologic Balance: Protection of Ground Water Recharge Capacity (Repealed)
1816.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1816.53	Hydrologic Balance: Transfer of Wells (Repealed)
1816.54	Hydrologic Balance: Water Rights and Replacement (Repealed)
1816.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1816.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities
1816.57	Hydrologic Balance: Stream Buffer Zones
1816.59	Coal Recovery
1816.61	Use of Explosives: General Requirements
1816.62	Use of Explosives: Pre-Blasting Survey
1816.64	Use of Explosives: Public Notice of Blasting Schedule
1816.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1816.66	Use of Explosives: Blasting Signs, Warnings, and Access Control
1816.67	Use of Explosives: Control of Adverse Effects
1816.68	Use of Explosives: Records of Blasting Operations
1816.71	Disposal of Excess Spoil: General Requirements
1816.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills

1816.73	Disposal of Excess Spoil: Head-of-Hollow Fills (Repealed)
1816.74	Disposal of Excess Spoil: Durable Rock Fills
1816.75	Disposal of Excess Spoil: Preexisting Benches
1816.79	Protection of Underground Mining
1816.81	Coal Mine Waste: General Requirements
1816.82	Coal Processing Waste Banks: Site Inspection (Repealed)
1816.83	Coal Mine Waste: Refuse Piles
1816.84	Coal Mine Waste: Impounding Structures
1816.85	Coal Processing Waste Banks: Construction Requirements (Repealed)
1816.86	Coal Processing Waste: Burning (Repealed)
1816.87	Coal Mine Waste: Burned Waste Utilization
1816.88	Coal Processing Waste: Return to Underground Workings (Repealed)
1816.89	Disposal of Noncoal Mine Wastes
1816.91	Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
1816.92	Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
1816.93	Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
1816.94	Coal Processing Waste: Time and Requirements for Completion of Covering (Repealed)
1816.95	Stabilization of Surface Areas
1816.97	Protection of Fish, Wildlife, and Related Environmental Values
1816.99	Slides and Other Damage
1816.100	Contemporaneous Reclamation
1816.101	Backfilling and Grading: General Requirements
1816.102	Backfilling and Grading: General Grading Requirements
1816.103	Backfilling and Grading: Covering or Treating Coal and Acid- and Toxic-Forming Materials (Repealed)
1816.104	Backfilling and Grading: Thin Overburden
1816.105	Backfilling and Grading: Thick Overburden
1816.106	Backfilling and Grading: Previously Mined Areas
1816.107	Backfilling and Grading: Steep Slopes
1816.111	Revegetation: General Requirements
1816.112	Revegetation: Use of Introduced Species (Repealed)
1816.113	Revegetation: Timing
1816.114	Revegetation: Mulching and Other Soil Stabilizing Practices
1816.115	Revegetation: Grazing (Repealed)
1816.116	Revegetation: Standards for Success
1816.117	Revegetation: Tree and Shrub Vegetation
1816.131	Cessation of Operations: Temporary
1816.132	Cessation of Operations: Permanent
1816.133	Post-Mining Land Capability
1816.150	Roads: General
1816.151	Primary Roads
1816.180	Utility Installations
1816.181	Support Facilities
1816.190	Affected Acreage Map

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APPENDIX A Agricultural Lands Productivity Formula

EXHIBIT A County Crop Yields by Soil Mapping Unit

TABLE A Subsoil Adjustments

TABLE B Soil Variance Codes

TABLE C County Numbering System

TABLE D Sample Points Per Crop Acres

TABLE E Soil Master Files

TABLE F County Cropped Acreage File

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830, effective January 1, 1991; amended at 15 Ill. Reg. 17166, effective January 1, 1992; amended at ___ Ill. Reg. ___, effective ___.

Section 1816.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations

Discharges of water from, and ground water quality within areas disturbed by surface mining activities shall be made in compliance with the Federal Water Pollution Control Act of 1972 as amended, (30 U.S.C. 1251 et seq.), the Environmental Protection Act (Ill. Rev. Stat. 1985 1991, ch. 111 1/2, pars. 1001 --1952 et seq.), the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7451 et seq.) and implementing regulations at 35 Ill. Adm. Code 620, and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434 (1986 1991). 40 CFR 434 (1986 1991) does not include any later amendments or editions.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1816.43 Diversions

a) General Requirements.

- 1) With the approval of the Department, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of Section 1816.46 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions shall be designed to

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minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions shall not be used to divert water into underground mines without approval of the Department under Section 1816.41(i).

- 2) The diversion and its appurtenant structures shall be designed, located, constructed, maintained and used to:

- A) Be stable;
- B) Provide protection against flooding and resultant damage to life and property;
- C) Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow outside the permit area. Appropriate sediment control measures for diversions may include, but not be limited to, maintenance of appropriate gradients, channel lining, revegetation, roughness structures, and detention basins; and
- D) Comply with AN ACT in relation to the regulation of the lakes and streams of the State of Illinois (Ill. Rev. Stat. 1985 1991, ch. 19, pars. 52-79), Section 404 of the Federal Water Pollution Control Act of 1972, as amended (30 U.S.C. 1344), and all local ordinances.

- 3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this Part. Before diversions are removed, downstream water-treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the permittee from maintaining water treatment facilities as otherwise required. When permanent diversions are constructed or stream channels restored prior to the removal of temporary diversions the permittee shall:

- A) Establish, restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream, including any area that is subject to annual inundation;

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- B) Establish, or restore the stream to its natural meandering shape and to an environmentally acceptable gradient, as determined by the Department; and
- C) Establish or restore the stream to a longitudinal profile and cross-section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.

4) Diversion design shall incorporate the following:

- A) Channel lining shall be designed using standard engineering practices to pass safely the design velocities. Riprap shall consist of non-degradable, non-acid or toxic-forming rock such as sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale;
- B) Freeboard shall be no less than 0.3 feet, except as provided for in subsection (a)(5). Protection shall be provided for transition of flows and for critical areas such as swales and curves. Where the area protected is a critical area, as determined by the Department, the design freeboard may be increased;

- C) Energy dissipaters shall be installed, when necessary, at discharge points where diversions intersect with natural streams and exit velocity of the diversion ditch flow is greater than that of the receiving stream;

- D) Excess excavated material not necessary for diversion channel geometry or regrading of the channel shall be disposed of in accordance with Sections 1816.71 through 1816.74; and

- E) Topsoil shall be handled in compliance with Section 1816.22.

- 5) If the terrain is such that out-of-bank flows can accommodate the design precipitation event without endangering health or the environment as a result of flooding, such as physical harm or slope failure, the need for diversion ditches may be modified by taking into account channels, banks, and flood plains.

- b) Diversions of perennial and intermittent streams.

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- 1) Diversions of perennial and intermittent streams within the permit area are subject to Department approval pursuant to Section 1816.57(a).

- 2) The design capacity of channels for temporary and permanent stream channel diversions shall be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.

- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for perennial and intermittent streams are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ten (10) year, six (6) hour precipitation event for a temporary diversion and a one hundred (100) year, six (6) hour precipitation event for a permanent diversion.

- 4) The longitudinal profile of the stream, the channel, and the floodplain shall be designed and constructed to remain stable. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used in diversions only when approved by the Department as being necessary to control erosion. The post-mining riparian zone shall be designed so that inundation by the peak runoff of a two (2) year, twenty-four (24) hour precipitation event will occur.

- 5) The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this Part.

c) Diversion of miscellaneous flows.

- 1) Miscellaneous flows, which consist of all flows except for perennial and intermittent streams, may be diverted away from disturbed areas if required or approved by the Department to lessen environmental impact. Miscellaneous flows shall include ground water discharges and ephemeral streams.

- 2) The design, location, construction, maintenance, and removal of diversions of miscellaneous flows shall meet all of the performance standards set forth in subsection (a).

- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for miscellaneous

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flows are designed so that the combination of channel, bank, and flood-plain configuration is adequate to pass safely the peak runoff of a two (2) year, six (6) hour precipitation event for a temporary diversion and a ten (10) year, six (6) hour precipitation event for a permanent diversion.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1816.49 Impoundments

- a) The requirements of this subsection apply to both temporary and permanent impoundments.

1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1780. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.

2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1780.25(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

3) Stability.

A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety

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factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.

5) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the

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inspection report.

A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least weekly quarterly during construction, provided at least one (1) inspection is conducted for impoundments completed in less than one (1) quarter and upon completion of construction. The qualified registered professional engineer shall submit to the Department within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a)(9)(A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant

environmental harm, the following impoundments shall be exempt from the all examination requirements of this subsection, following approval by the Department:

- A) Impoundments that are completely incised;
- B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

- 1) The size and configuration of the impoundment is adequate for its intended purposes.
- 2) The quality of impounded water will be suitable on a

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permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1816.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1816.42.

factors such as terrain, topography and soil and type.

- 10) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or
- B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments.

- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

- 2) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have either a single spillway configured as set forth in subsections (c)(2)(A) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or

A single spillway configured as set forth in subsection (c)(2)(A)(i) or (c)(2)(A)(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- 3) The water level will be sufficiently stable and be capable of supporting the intended use.

- 4) Final grading will provide for adequate safety and access for proposed water users.

- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

- 6) The impoundment will be suitable for the approved post-mining land use.

- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

- A) Runoff from above the slope shall be diverted to erosion free outlets.

- B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

- 8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have outslopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on

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i) Of nonerodible construction and designed to carry sustained flows; or

ii) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or

B) Earth-or-grass-lined-and--designed-to-carry-short-term; infrequent--flows---at--non-erosive---velocities--where sustained-flows-are-not-expected.

An alternate spillway system with the capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

i) In the case of an impoundment meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department.

ii) In the case of an impoundment not meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended Ill. Reg. _____, effective _____)

Section 1816.84 Coal Mine Waste: Impounding Structures

New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste shall meet the requirements of Section 1816.81.

a) Coal mine waste shall not be used for construction of impounding structures unless it has been demonstrated to the Department that the stability of such a structure conforms to the requirements of this Part and the use of coal mine waste will not have a

detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The stability of the structure and the potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the Department in accordance with 62 Ill. Adm. Code 1780.25.

b) Construction Requirements

1) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste shall be designed, constructed and maintained in accordance with Section 1816.49(a) and (c). Such structures may not be retained permanently as part of the approved post-mining land use.

2) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event or greater event as specified by the Department after consideration of factors such as watershed size and characteristics necessary to ensure design in accordance with prudent engineering practices.

c) Spillways and outlet works shall be designed to provide adequate protection against erosion and corrosion in accordance with Section 1816.47. Inlets shall be protected against blockage.

d) Drainage control. Runoff from areas above the disposal facility or runoff from the surface of the facility that causes instability or erosion of the impounding structure shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1816.43 and designed to safely pass the runoff from a one hundred (100) year, six (6) hour design precipitation event.

e) Impounding structures constructed of or impounding coal mine waste shall be designed so that at least ninety (90) percent of the water stored during the design precipitation event can be removed within a ten (10) day period.

f) For an impounding structure constructed of or impounding coal mine waste, at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

(Source: Amended at Ill. Reg. _____, effective _____)

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Section 1816.116 Revegetation: Standards for Success

a) Success of Revegetation

1) Success of revegetation shall be judged in accordance with Sections 1816.116 and 1816.117.

2) Requirements

A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).

B) The period of extended responsibility shall continue for a period of not less than five (5) full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).

C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding, or augmented fertilization, ~~er--irrigation~~, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as disease, pest, and vermin control, and any pruning, reseeding, and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1991-92); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 et seq.). On all lands with a postmining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay

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management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time, so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation, and Trade Act of 1990, which are hereby incorporated by reference and do not include any subsequent editions or amendments, are available at the Department's Springfield office located at 300 West Jefferson, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department

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makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

- i) In those cases where a permittee augments any high capability cropland areas in order to achieve the revegetation success standards of subsection (a)(3)(C), the permittee shall apply the same or superior augmentation measures to all other high capability lands reclaimed using the same techniques and the five (5) year period of responsibility shall recommence. The Department shall waive augmentation if the other high capability areas have been previously augmented in a similar or superior manner or have met the revegetation success standards for cropland or the permittee can document a minimum of three (3) years of successful woody species establishment for forest products and wildlife habitat land uses as required by Section 1816.117(a). If the woody species have been planted less than three (3) years prior to the augmentation of the high capability cropland areas, the Department shall grant additional time to evaluate the success of the woody species planting.

- ii) The five (5) year period of responsibility shall not recommence on areas where the operator has met the revegetation success standards of subsection (a)(3)(E).

- iii) If high capability cropland is augmented the Department shall retain sufficient performance bond at the time of phase II performance bond

release to ensure the cost of similarly augmenting all other high capability lands, if required, is covered in the remaining bond amount.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than ninety (90) percent of the success standard. The sampling techniques for measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1816.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1810 through 1828 and that are remined or otherwise redisturbed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;

- B) For areas to be developed for industrial, commercial or residential use less than two (2) years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;

- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with subsection (a)(4). Crop production shall be considered successful if it is ninety (90) percent of that crop production required in subsection (a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year responsibility period. During the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period

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shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period;

D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1816.117; and

E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structures, etc.) success of revegetation (tons of grasses and/or legumes per acre) shall be determined in accordance with subsection (a)(4). Productivity shall be considered successful if it is ninety (90) percent of the productivity required in subsection (a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year extended responsibility period. ~~Revegetation success shall also be determined in accordance with Section 1816.117(a)(2). All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period.~~ Production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. On high capability land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.

4) In order to use the Agricultural Lands Productivity Formula, Section 1816. Appendix A, to determine success of

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revegetation, the following shall apply:

A) The permittee shall submit annually, by February 15, a one (1) inch equals five hundred (500) feet (1:500) or larger scale drawing or aerial photograph delineating:

i) Field boundaries, a field numbering scheme and the total acreage for each field which will be cropped to demonstrate proof of productivity for the coming crop year. The Department shall approve such submittal if the information is correct and accurate. Once field boundaries are established in a submittal, the boundaries shall not be changed without recommencing the responsibility period, unless the submittal is amended in accordance with subsection (a)(4)(A)(ii); and

ii) The crop (e.g., hay, wheat, corn, soybeans, sorghum, etc.) which will be grown on each field to demonstrate proof of productivity for the coming crop year. The permittee may amend its scale drawing in accordance with 62 Ill. Adm. Code 1774.13(b)(2) until July 15 of the submittal year. Each such amendment shall contain a written explanation of changes from the original submittal and include a map reflecting the changes. A field is an area of land reclaimed by a single reclamation technique that comprises either high capability land or prime farmland or limited capability pasture land. The size of the field and its boundaries are determined by such factors which include, but are not limited to, contour, non-cropped boundaries and size of farming equipment.

B) Fields identified in subsection (a)(4)(A) to be measured for success of revegetation for cropland shall be planted annually to a single approved crop. The sampling method of Section 1816. Appendix A shall apply. Soil and water conservation practices approved in the permit application including but not limited to grass waterways, diversion ditches, contour grass strips, and sedimentation ponds within the boundaries of a field shall be excluded from the sampling requirements of Section 1816. Appendix A and shall remain vegetated with permanent ground cover species, where appropriate, to conserve soil and water resources. Subject to

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rulemaking, the Department in cooperation with the Illinois Department of Agriculture may determine if a portion of a field is a representative sample of the entire field when technology has developed to make it possible through physical and chemical agronomic testing to demonstrate success of vegetation through soil surveys or when statistically valid sampling procedures are developed for determining success of revegetation based upon cropping and sampling a representative portion of the field.

C) Adjustments for abnormal growing conditions shall be made if such adjustments are certified by a crop adjuster certified to perform adjustments by the Federal Crop Insurance Corporation. At the request of a permittee, the Department of Agriculture shall make arrangements for such an appraisal or adjustment review. Before any such an appraisal or adjustment shall be arranged, the permittee shall file with the Illinois Department of Agriculture an agreement to pay the full cost of any crop adjustment or appraisal so requested.

D) The crops to be grown shall include those commonly grown on surrounding unmined cropland such as corn, soybeans, hay, sorghum, wheat, or oats. The Department may approve a hay crop use where this is a common use of unmined cropland in the surrounding area. Prime farmland and other cropland areas must include a minimum of one (1) successful year of corn and if the Department has approved its use a maximum of one (1) successful year each of hay and wheat crops.

b) The person who conducts surface mining activities shall:

- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and
- 2) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or alter the responsibility period, using forms provided by the Department. Reclamation activities--to-be--reported--include--but--are--not--limited--to--crops--used--in--temporary--and--permanent--seedings--grasses--and legumes--planted--trees--and--shrubs--planted--soil--amendments added--and--location--and--type--of--augmentation--activities. The

forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1816.117 Revegetation: Tree and Shrub Vegetation

a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:

- 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the last fifth year of the responsibility period or later in the responsibility period. Trees and shrubs counted in determining such success shall be healthy, e.g. not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three (3) growing seasons, i.e. three (3) years.
- 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.
- 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover.
- 4) For purposes of this Section, herbaceous species means grasses, legumes and nonleguminous forbs; woody plants means woody shrubs, trees and vines; and ground cover means the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.
- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest,

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vermin and herbaceous vegetation control including moving, replanting, and fill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1816.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1816.116(a)(2)(C), (D) and (E).

b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of two hundred and fifty (250) trees or shrubs per acre; where woody plants are used for forest products land uses (including riparian zones of intermittent or perennial streams), the area shall have a minimum population of four hundred and fifty (450) trees or shrubs per acre.

c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:

1) The permittee shall submit a scale drawing or aerial photograph delineating the area(s) to be sampled and the total number of acres in each area. A one (1) inch equals five hundred (500) feet (1:500) or larger scale shall be used.

2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

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3) The number of plots needed to sample 2.5 percent of the area will be calculated employing the following formula: Number of Plots equals 2.5 percent multiplied by Sample Area in acres divided by plot size.

4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within sixty (60) feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is sixty (60) feet from the boundary of the area to be sampled or the greatest distance possible where sixty (60) feet cannot be achieved.

5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

6) Calculate population levels as follows:

A) Average number of live trees and/or shrubs per plot equals total number of live trees and/or shrubs divided by number of plots; and

B) Number of live trees and/or shrubs per acre equals average number of live trees and/or shrubs per plot multiplied by plot size denominator.

7) Representatives of the Department or the Illinois Department of Conservation shall conduct all sampling.

d) Vegetative ground cover shall be measured by the following technique:

1) Twenty (20) random points shall be identified in the area to be tested.

2) A twenty (20) foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ninety (90) degree increments until the entire twenty (20) foot length is within the boundary of the area to

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be tested or area not treated with the herbicide.

- 3) A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

- 4) Ground cover shall be determined to be present if any vegetation identified in Section 1816.117(a)(4) is measured at the increment.

- 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

-6)---If--the--vegetative--ground--cover--is--adequate--to--control erosion--free--absence-of--tilts--and--gullies--and--sufficient-to achieve--its--approved--post--mining--land--use--the--percentage--of ground--cover--determined--by--this--technique--shall--be--deemed successful;--provided--the--average--ground--cover--is--70%--or greater--

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1816.151 Primary Roads

Primary roads shall meet the requirements of Section 1816.150 and the additional requirements of this Section.

- a) Certification. The construction or reconstruction of primary roads shall be certified in a report to the Department by a qualified registered professional engineer. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

- b) Safety Factor. Each primary road embankment shall have side slopes of 2H:1V--or--flatter--or--shall--be--shown--to--have--a--minimum--static factor--of--safety--of--1.3;--All--primary--road--embankments--shall--be designed--and--constructed--using--current--and--prudent--engineering practices. Each primary road embankment shall be shown to have a minimum static factor of safety of 1.3, or shall be designed in compliance with the following design standards:

- 1) The embankment foundation area shall be cleared of all organic material and the entire foundation surface shall be scarified;

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- 2) If the natural slope of the foundation as measured at right angles to the roadway center line is steeper than 8H:1V, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts;

- 3) The embankment fill material shall be free of sod, large roots and other large vegetative matter;

- 4) The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards;

- 5) The moisture content of the fill material shall be sufficient to secure proper compaction;

- 6) The side slopes of the embankment shall be no steeper than 2H:1V;

- 7) Maximum fill height shall be twenty-five (25) feet as measured from natural ground at the downstream toe to the top of the embankment;

- 8) Embankments shall have a minimum top width of (H + 35)/5, where "H" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment, and shall be adequate for the intended use.

c) Location.

- 1) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.

- 2) Fords of perennial or intermittent streams by primary roads are prohibited unless they are specifically approved by the Department as temporary routes during periods of road construction.

d) Drainage control. In accordance with the approved plan:

- 1) Each primary road shall be constructed or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross-drains and ditch relief drains. The drainage control system shall be designed to safely pass the peak runoff from a 10-year, 6-hour precipitation event, or greater event as specified by the Department as necessary to ensure proper drainage control design in accordance with prudent

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engineering practices:

- 2) Drainage pipes and culverts shall be installed as designed, and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets;
- 3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment;
- 4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road;
- 5) Natural stream channels shall not be altered or relocated without the prior approval of the Department in accordance with applicable sections of 62 Ill. Adm. Code 1816.41 through 1816.43 and 1816.57; and
- 6) Except as provided in Section 1816.151(c)(2), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The Department shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.
- e) Surfacing. Primary roads shall be surfaced with material approved by the Department as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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- 1) The Heading of the Part: Permanent Program Performance Standards---
Underground Mining Activities

- 2) Code Citation: 62 Ill. Adm. Code 1817

- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
1817.42	Amended
1817.43	Amended
1817.49	Amended
1817.84	Amended
1817.116	Amended
1817.117	Amended
1817.151	Amended
1817.182	Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

On December 13, 1991, the Federal Office of Surface Mining Reclamation and Enforcement (OSM), by final rule, instructed the Illinois Department of Mines and Minerals (Department) to submit proposed amendments designed to correct defects identified in Illinois' rules. See 56 Fed. Reg. 64986 (December 13, 1991).

In addition, the Department has identified rules that must be amended in order to correct clerical errors and to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1817.42 sets forth hydrologic balance requirements. It is proposed to be amended by updating citations in order to reflect the Department's designation as a regulatory authority pursuant to 35 Ill. Adm. Code 620 and to allow the Department to require additional information necessary to implement groundwater quality standards. The revisions also clarify the applicability of such standards to mining activities.

Section 1817.43 sets forth requirements for diversions. The proposed revision to subsection (a)(2)(D) corrects the date within the statutory citation. Subsection (b)(4) is proposed to be amended to clarify the design standard for post-mining riparian zones. The revision is intended to eliminate confusion among operators as to what the standard is, as such confusion has been evident over the past several years.

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Section 1817.49 sets forth requirements regarding impoundments. Subsection (a)(9)(B) is proposed to be revised in order to be more consistent with federal regulations. Existing federal regulations at 30 CFR 817.49(a)(10) require inspections "regularly" during construction. The Department's existing regulations require weekly inspections during construction. Based upon discussions with Departmental technical staff and representatives from OSM, the Mine Safety and Health Administration and industry, it is now felt that weekly inspection is an unnecessarily stringent requirement. The Department is therefore proposing quarterly inspections, with the provision that at least one inspection be conducted for impoundments completed in less than one quarter. A typographical error is being corrected in subsection (b)(7).

Subsection (c)(2), which sets forth requirements for temporary impoundments, is proposed to be revised to be consistent with its federal counterpart rule at 30 CFR 817.49(c).

Section 1817.84 sets forth the Department's requirements regarding coal mine waste impounding structures. The proposed amendment to subsection (b)(2) makes the rule consistent with and no less effective than its federal counterpart, 30 CFR 817.84(b)(2).

Section 1817.116 sets forth the Department's requirements for revegetation success standards. A typographical error is being corrected in subsection (a)(2). The proposed amendments to subsection (a)(2)(C) further define the normal husbandry practices in the state and are in response to OSM's December 13, 1991 directive that Illinois amend the regulation to be as effective as its federal counterpart, 30 CFR 817.116(c)(4).

Sections 1817.116(a)(3)(A) and (B) are proposed to be revised in order to eliminate confusion as to what ground covers are required for each land use and when in the responsibility period they are to be measured.

Sections 1817.116(a)(3)(C) and (E) are proposed to be revised in order to insure proper management of cropland, pasture, hayland and grazing land during the responsibility period if the productivity standards have been met prior to the last year of the responsibility period. The citation to the Illinois Administrative Code is also being corrected in subsection (a)(3)(C).

Section 1817.116(b)(2) is proposed to be revised to be specific as to the reasons for the reporting requirement and to provide for any parameter which may need to be reviewed in assessing normal husbandry practices under Section 1817.116(a)(2)(C).

Section 1817.117 sets forth the Department's revegetation requirements

for tree and shrub vegetation. The second sentence of subsection (a)(1) is proposed to be revised in order to eliminate misinterpretation and make the regulation as effective as its federal counterpart, 30 CFR 817.116(c)(2). Section 1817.117(a)(2) is proposed to be revised in order to eliminate confusion as to what ground covers are required for each land use. The proposed revision to subsection (a)(5) references all of the fill and gully rules.

Section 1817.117(b) is proposed to be revised to clarify the population required in riparian zones in order to eliminate confusion, which has been evident the past several years, among operators. The sentence deletion in subsection (c)(4) corrects a clerical error.

Section 1817.117(d)(6) is being deleted and the content reorganized pursuant to OSM's December 13, 1991 directive that Illinois clarify that the 70% standard for vegetative ground cover does not apply in determining revegetation success on previously unmined pasture and/or hayland or grazing land in order to make the regulation as effective as its federal counterpart, 30 CFR 817.116(a)(1).

Section 1817.151 establishes performance standards for primary roads. Subsection (b) is proposed to be revised in order to be as effective as its federal counterpart, 30 CFR 817.151(b).

Section 1817.182 sets forth requirements regarding minor underground mine facilities. The citation is proposed to be corrected in subsection (a). A subsection heading is being added at (d). Subsections (d)(2), (d)(3)(C) and (d)(4)(B) are proposed to be revised by updating the code citations therein.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals

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300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS--
UNDERGROUND MINING OPERATIONS

Section	Signs and Markers
1817.11	Casing and Sealing of Exposed Underground Openings: General Requirements
1817.13	Casing and Sealing of Underground Openings: Temporary
1817.14	Casing and Sealing of Underground Openings: Permanent
1817.15	Topsoil: General Requirements (Repealed)
1817.21	Topsoil and Subsoil
1817.22	Topsoil: Storage (Repealed)
1817.23	Topsoil: Redistribution (Repealed)
1817.24	Topsoil: Nutrients and Soil Amendments (Repealed)
1817.25	Topsoil: Nutrients and Soil Amendments (Repealed)
1817.41	Hydrologic Balance Protection
1817.42	Hydrologic Balance: Water Quality Standards and Effluent Limitations
1817.43	Diversions
1817.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1817.45	Hydrologic Balance: Sediment Control Measures
1817.46	Hydrologic Balance: Siltation Structures
1817.47	Hydrologic Balance: Discharge Structures
1817.48	Hydrologic Balance: Acid - Forming and Toxic - Forming Materials (Repealed)
1817.49	Impoundments
1817.50	Hydrologic Balance: Underground Mine Entry and Access Discharges (Repealed)
1817.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1817.53	Hydrologic Balance: Transfer of Wells (Repealed)
1817.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1817.56	Post - Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments and Treatment Facilities
1817.57	Hydrologic Balance: Stream Buffer Zones
1817.59	Coal Recovery
1817.61	Use of Explosives: General Requirements
1817.62	Use of Explosives: Pre - Blasting Survey
1817.64	Use of Explosives: General Performance Standards
1817.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1817.66	Use of Explosives: Blasting Signs, Warnings, and Access Control
1817.67	Use of Explosives: Control of Adverse Effects
1817.68	Use of Explosives: Records of Blasting Operations
1817.71	Disposal of Excess Spoil: General Requirements
1817.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills

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- 1817.73 Disposal of Underground Development Waste and Excess Spoil:
Head-of-Hollow Fills (Repealed)
- 1817.74 Disposal of Excess Spoil: Durable Rock Fills
- 1817.75 Disposal of Excess Spoil: Preexisting Benches
- 1817.81 Coal Mine Waste: General Requirements
- 1817.82 Coal Processing Waste Banks: Site Inspection (Repealed)
- 1817.83 Coal Mine Waste: Refuse Piles
- 1817.84 Coal Mine Waste: Impounding Structures
- 1817.85 Coal Processing Waste Banks: Construction Requirements (Repealed)
- 1817.86 Coal Processing Waste: Burning (Repealed)
- 1817.87 Coal Mine Waste: Burning and Burned Waste Utilization
- 1817.88 Coal Processing Waste: Return to Underground Workings (Repealed)
- 1817.89 Disposal of Noncoal Mine Wastes
- 1817.91 Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
- 1817.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
- 1817.93 Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
- 1817.94 Coal Processing Waste: Time Requirement for Completion of Covering (Repealed)
- 1817.95 Stabilization of Surface Areas
- 1817.97 Protection of Fish, Wildlife and Related Environmental Values
- 1817.99 Slides and Other Damage
- 1817.100 Contemporaneous Reclamation and Subsidence Control
- 1817.101 Backfilling and Grading: General Requirements
- 1817.102 Backfilling and Grading: General Grading Requirements
- 1817.103 Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials (Repealed)
- 1817.106 Backfilling and Grading: Previously Mined Areas
- 1817.107 Backfilling and Grading: Steep Slopes
- 1817.111 Revegetation: General Requirements
- 1817.112 Revegetation: Use of Introduced Species (Repealed)
- 1817.113 Revegetation: Timing
- 1817.114 Revegetation: Mulching and Other Soil Stabilization Practices
- 1817.115 Revegetation: Grazing (Repealed)
- 1817.116 Revegetation: Standards for Success
- 1817.117 Revegetation: Tree and Shrub Vegetation
- 1817.121 Subsidence Control
- 1817.122 Subsidence Control: Public Notice
- 1817.124 Subsidence Control: Surface Owner Protections (Repealed)
- 1817.126 Subsidence Control: Buffer Zones (Repealed)
- 1817.131 Cessation of Operations: Temporary
- 1817.132 Cessation of Operations: Permanent
- 1817.133 Post - Mining Land Capability
- 1817.150 Roads: General
- 1817.151 Primary Roads
- 1817.180 Utility Installations

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- 1817.181 Support Facilities
- 1817.182 Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area
- 1817.190 Affected Acreage Map

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 111. Reg. _____, effective _____.

Section 1817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations

Discharges of water from, and ground water quality within areas disturbed by underground mining activities shall be made in compliance with the Federal Water Pollution Control Act of 1972, as amended, (30 U.S.C. 1251 et seq.), the Environmental Protection Act (Ill. Rev. Stat. 1985 1991, ch. 111 1/2, pars. 1001 --4852 et seq.), the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7451 et seq.) and implementing regulations at 35 Ill. Adm. Code 620, and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434 (1986 1991). 40 CFR 434 (1986 1991) does not include any later amendments or editions.

(Source: Amended at 111. Reg. _____, effective _____)

Section 1817.43 Diversions

a) General Requirements.

- 1) With the approval of the Department, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of Section 1817.46 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions shall be designed to minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions shall not be used to divert water into underground

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mines without approval of the Department under Section 1817.41(h).

- 2) The diversion and its appurtenant structures shall be designed, located, constructed, maintained, and used to:

- A) Be stable;
- B) Provide protection against flooding and resultant damage to life and property;
- C) Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow outside the permit area. Appropriate sediment control measures for diversions may include, but not be limited to, maintenance of appropriate gradients, channel lining, revegetation, roughness structures, and detention basins; and
- D) Comply with AN ACT in relation to the regulation of the lakes and streams of the State of Illinois (Ill. Rev. Stat. 1985 1991, ch. 19, pars. 52-79), Section 404 of the Federal Water Pollution Control Act of 1972, as amended (30 U.S.C. 1344), and all local ordinances.

- 3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this Part. Before diversions are removed, downstream water - treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the permittee from maintaining water treatment facilities as otherwise required. When permanent diversions are constructed or stream channels restored prior to the removal of temporary diversions the permittee shall:

- A) Establish, restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream, including any area that is subject to annual inundation;
- B) Establish or restore the stream to its natural meandering shape and to an environmentally acceptable gradient, as determined by the Department; and

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- C) Establish or restore the stream to a longitudinal profile and cross - section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.

- 4) Diversion design shall incorporate the following:

- A) Channel lining shall be designed using standard engineering practices to pass safely the design velocities. Riprap shall consist of non-degradable, non-acid or toxic-forming rock such as sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale;
 - B) Freeboard shall be no less than 0.3 feet, except as provided for in subsection (a)(5). Protection shall be provided for transition of flows and for critical areas such as swales and curves. Where the area protected is a critical area, as determined by the Department, the design freeboard may be increased;
 - C) Energy dissipaters shall be installed, when necessary, at discharge points where diversions intersect with natural streams and exit velocity of the diversion ditch flow is greater than that of the receiving stream;
 - D) Excess excavated material not necessary for diversion channel geometry or regrading of the channel shall be disposed of in accordance with Sections 1817.71 through 1817.74; and
 - E) Topsoil shall be handled in compliance with Section 1817.22.
- 5) If the terrain is such that out-of-bank flows can accommodate the design precipitation event without endangering health or the environment as a result of flooding, such as physical harm or slope failure, the need for diversion ditches may be modified by taking into account channels, banks, and flood plains.
- b) Diversions of perennial and intermittent streams.
 - 1) Diversions of perennial and intermittent streams within the permit area are subject to Department approval pursuant to Section 1817.57(a).

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2) The design capacity of channels for temporary and permanent stream channel diversions shall be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.

hour precipitation event for a permanent diversion.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1817.49 Impoundments

3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for perennial and intermittent streams are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ten (10) year, six (6) hour precipitation event for a temporary diversion and a one hundred (100) year, six (6) hour precipitation event for a permanent diversion.

a) The requirements of this subsection apply to both temporary and permanent impoundments.

4) The longitudinal profile of the stream, the channel, and the floodplain shall be designed and constructed to remain stable. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used in diversions only when approved by the Department as being necessary to control erosion. The post-mining riparian zone shall be designed so that inundation by the peak runoff of a two (2) year, twenty-four (24) hour precipitation event will occur.

2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1784.15(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

5) The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this Part.

3) Stability.

c) Diversion of miscellaneous flows.

1) Miscellaneous flows, which consist of all flows except for perennial and intermittent streams, may be diverted away from disturbed areas if required or approved by the Department to lessen environmental impact. Miscellaneous flows shall include ground water discharges and ephemeral streams.

A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

2) The design, location, construction, maintenance, and removal of diversions of miscellaneous flows shall meet all of the performance standards set forth in subsection (a).

B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds,"

3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for miscellaneous flows are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a two (2) year, six (6) hour precipitation event for a temporary diversion and a ten (10) year, six (6)

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April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

- 4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden decreases in storage volume.

5) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

- 6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be rippedraped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and

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certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within thirty (30) days after the reporting period.

- B) All other impoundments shall be inspected at least weekly quarterly during construction, provided at least one (1) inspection is conducted for impoundments completed in less than one (1) quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department, within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a) (9) (A) and (B) above, and the examination reports required in subsection (a) (10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

- 10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the all examination requirements of this subsection following approval by the Department:

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A) Impoundments that are completely incised;

B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

b) Permanent impoundments.

A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

- 1) The size and configuration of the impoundment is adequate for its intended purposes;
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section

1817.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1817.42;

3) The water level will be sufficiently stable and be capable of supporting the intended use;

4) Final grading will provide for adequate safety and access for proposed water users;

5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

6) The impoundment will be suitable for the approved post-mining land use;

7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

A) Runoff from above the slope shall be diverted to erosion free outlets.

B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have out-slopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

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10) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or
- B) Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments.

1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or the other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

2) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have either a single spillway configured as set forth in subsections (c)(2)(A) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or

A single spillway configured as set forth in subsection (c)(2)(A)(i) or (c)(2)(A)(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- i) Of nonerodible construction and designed to carry

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sustained flows; or

- ii) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or

B) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

An alternate spillway system with the capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event, the water from which shall be safely removed in accordance with current, prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

- i) In the case of an impoundment meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department.

- ii) In the case of an impoundment not meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1817.84 Coal Mine Waste: Impounding Structures

New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste shall meet the requirements of Section 1817.81.

- a) Coal mine waste shall not be used for construction of impounding structures unless it has been demonstrated to the Department that the stability of such a structure conforms to the requirements of this Part and the use of coal mine waste will not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The stability of the structure and the potential impact of acid mine

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seepage through the impounding structure shall be discussed in detail in the design plan submitted to the Department in accordance with 62 Ill. Adm. Code 1780.25.

b) Construction Requirements

- 1) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste shall be designed, constructed and maintained in accordance with Section 1817.49(a) and (c). Such structures may not be retained permanently as part of the approved post-mining land use.
- 2) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event or greater event as specified by the Department after consideration of factors such as watershed size and characteristics necessary to ensure design in accordance with prudent engineering practices.

- c) Spillways and outlet works shall be designed to provide adequate protection against erosion and corrosion in accordance with Section 1817.47. Inlets shall be protected against blockage.

- d) Drainage control. Runoff from areas above the disposal facility or runoff from the surface of the facility that causes instability or erosion of the impounding structure shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1817.43 and designed to safely pass the runoff from a one hundred (100) year, six (6) hour design precipitation event.

- e) Impounding structures constructed of or impounding coal mine waste shall be designed so that at least ninety (90) percent of the water stored during the design precipitation event can be removed within a ten (10) day period.

- f) For an impounding structure constructed of or impounding coal mine waste, at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1817.116 Revetement: Standards for Success

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a) Success of Revegetation

- 1) Success of revegetation shall be judged in accordance with Sections 1817.116 and 1817.117.

2) Requirements

- A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).
- B) The period of extended responsibility shall continue for a period of not less than five (5) full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).

- C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding, or augmented fertilization, or--irrigation; without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as disease, pest, and vermin control, and any pruning, reseeding and/or transplanting specifically necessitated by such actions: approved agricultural practices described in the Illinois Agronomy Handbook (1991-92); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 et seq.). On all lands with a postmining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food,

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Agriculture, Conservation and Trade of 1990, and the reestablished vegetation must be in place for a sufficient length of time, so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation and Trade Act of 1990, which are hereby incorporated by reference and do not include any subsequent editions or amendments, are available at the Department's Springfield office located at 300 West Jefferson, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;

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- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

- i) In those cases where a permittee augments any cropland areas in order to achieve the revegetation success standards of subsection (a)(3)(C), the permittee shall apply the same or superior augmentation measures to all other lands reclaimed using the same techniques and the five (5) year period of responsibility shall recommence. The Department shall waive augmentation if the other areas have been previously augmented in a similar or superior manner or have met the revegetation success standards for cropland or the permittee can document a minimum of three (3) years of successful woody species establishment for forest products and wildlife habitat land uses as required by Section 1817.117(a). If the woody species have been planted less than three (3) years prior to the augmentation of the cropland areas, the Department shall grant additional time to evaluate the success of the woody species planting.

- ii) The five (5) year period of responsibility shall not recommence on areas where the operator has met the revegetation success standards of subsection (a)(3)(E).

- iii) If cropland is augmented the Department shall retain sufficient performance bond at the time of phase II performance bond release to ensure the cost of similarly augmenting all other lands, if required, is covered in the remaining bond amount.

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- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than ninety (90) percent of the success standard. The sampling techniques for measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:
- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are remined or otherwise redistributed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redistribution, and shall be adequate to control erosion during the last year of the responsibility period;
- B) For areas to be developed for industrial, commercial or residential use less than two (2) years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1823.116(a)(4) 1816.116(a)(4). Crop production shall be considered successful if it is ninety (90) percent of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year responsibility period. During the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop

production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period;

- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1817.117; and
- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) success of revegetation (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Productivity shall be considered successful if it is ninety (90) percent of the productivity required in 62 Ill. Adm. Code 1816.116(a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year extended responsibility period. Revegetation-success shall also be determined in accordance with Section 1817.117(a)(2). Production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.
- 4) In order to use the Agricultural Lands Productivity Formula, 62 Ill. Adm. Code 1816. Appendix A, to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.

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b) The person who conducts underground mining activities shall:

- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and
- 2) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or alter the responsibility period, using forms provided by the Department. Reclamation activities to be reported include--but are not limited to--crops used--in temporary and permanent--seedings--grasses and legumes--planted--trees and--shrubs--planted--soil--amendments added--and type and location of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1817.117 Revegetation: Tree and Shrub Vegetation

a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:

- 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the last fifth year of the responsibility period or later in the responsibility period. Trees and shrubs counted in determining such success shall be healthy, e.g. not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three (3) growing seasons, i.e. three (3) years.

2) Vegetative ground cover shall not be less than required to

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achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.

- 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover.
- 4) For purposes of this Section, herbaceous species means: grasses, legumes and nonleguminous forbs; woody plants means: woody shrubs, trees and vines; and ground cover means: the area of ground covered by the combined above ground parts of vegetation and the litter that is produced naturally on site.
- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting and rill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1817.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1817.116(a)(2)(C), (D) and (E).

b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of two hundred and fifty (250) trees or shrubs per acre; where woody plants are used for forest products land uses (including riparian zones of intermittent or perennial streams), the area shall have a minimum population of four hundred and fifty (450) trees or shrubs per acre.

c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:

- 1) The permittee shall submit a scale drawing or aerial photograph delineating the area(s) to be sampled and the total number of acres in each area. A one (1) inch equals five hundred (500) feet (1:500) or larger scale shall be used.
- 2) One of the following circular plot sizes shall be selected by the sample enumerator:

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Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

3) The number of plots needed to sample 2.5 percent of the area will be calculated employing the following formula:

Number of Plots equals 2.5 percent multiplied by Sample Area in acres divided by plot size.

4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within sixty (60) feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is (60) sixty feet from the boundary of the area to be sampled or the greatest distance possible where sixty (60) feet cannot be achieved.

5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

6) Calculate population levels as follows:

- A) Average number of live trees and/or shrubs per plot equals Total Number of live trees and/or shrubs divided by number of plots; and
- B) Number of live trees and/or shrubs per acre equals

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Average number of live trees and/or shrubs per plot multiplied by plot size denominator.

7) Representatives of the Department or the Illinois Department of Conservation shall conduct all sampling.

d) Vegetative ground cover shall be measured by the following technique:

1) Twenty (20) random points shall be identified in the area to be tested.

2) A twenty (20) foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ninety (90) degree increments until the entire twenty (20) foot length is within the boundary of the area to be tested or area not treated with the herbicide.

3) A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

4) Ground cover shall be determined to be present if any vegetation identified in Section 1817.117(a)(4) is measured at the increment.

5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

-6) If the vegetative ground cover is adequate to control erosion, i.e., absence of fills and gullies, and sufficient to achieve its approved post-mining land use, the percentage of ground cover determined by this technique shall be deemed successful; provided the average ground cover is 70% or greater.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1817.151 Primary Roads

Primary roads shall meet the requirements of Section 1817.150 and the additional requirements of this Section.

a) Certification. The construction or reconstruction of primary roads shall be certified in a report to the Department by a qualified

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registered professional engineer. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

- b) Safety Factor. Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices. Each primary road embankment shall be shown to have a minimum static factor of safety of 1.3, or shall be designed in compliance with the following design standards:

- 1) The embankment foundation area shall be cleared of all organic material and the entire foundation surface shall be scarified.
- 2) If the natural slope of the foundation as measured at right angles to the roadway center line is steeper than 8H:1V, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts;
- 3) The embankment fill material shall be free of sod, large roots, and other large vegetative matter;
- 4) The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards;
- 5) The moisture content of the fill material shall be sufficient to secure proper compaction;
- 6) The side slopes of the embankment shall be no steeper than 2H:1V;
- 7) Maximum fill height shall be twenty-five (25) feet as measured from natural ground at the downstream toe to the top of the embankment;
- 8) Embankments shall have a minimum top width of $(H + 35)/5$, where "H" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment, and shall be adequate for the intended use.

- c) Location.

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- 1) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.
- 2) Fords of perennial or intermittent streams by primary roads are prohibited unless they are specifically approved by the Department as temporary routes during periods of road construction.
- d) Drainage control. In accordance with the approved plan:
 - 1) Each primary road shall be constructed or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross-drains and ditch relief drains. The drainage control system shall be designed to safely pass the peak runoff from a 10-year, 6-hour precipitation event, or greater event as specified by the Department as necessary to ensure proper drainage control design in accordance with prudent engineering practices.
 - 2) Drainage pipes and culverts shall be installed as designed, and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets;
 - 3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment;
 - 4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road;
 - 5) Natural stream channels shall not be altered or relocated without the prior approval of the Department in accordance with applicable sections of 62 Ill. Adm. Code 1817.41 through 1817.43 and 1817.57; and
 - 6) Except as provided in Section 1817.151(c)(2), structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The Department shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.

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- e) Surfacing. Primary roads shall be surfaced with material approved by the Department as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1817.182 Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area

- a) This Section sets forth performance standards for minor underground mine facilities not at or adjacent to the processing or preparation facility or area, such as air shafts, fan and ventilation buildings, small support buildings or sheds, access power holes, other small miscellaneous structures, and associated roads. These performance standards and other requirements are the minimum standards which shall be required of such operations, however, the Department will require application of applicable performance standards of 62 Ill. Adm. Code 1818 1810 through 1828 and this Part if such minor facilities significantly impact land, air or water resources.

- b) Habitats of unique value for fish, wildlife, and other related environmental values shall not be disturbed.

- c) The person who utilizes such facilities shall, to the extent practicable, measure important environmental characteristics of the area to be affected during the operations, to minimize environmental damage to the area and to provide supportive information for any permit application that person may submit under 62 Ill. Adm. Code 1785.23.

d) Roads.

- 1) Vehicular travel on other than established, graded and surfaced roads shall be limited by the person who conducts coal mining activities to that absolutely necessary to conduct the activities. Travel shall be confined to graded and surfaced roads during periods when excessive damage to vegetation or rutting of the land surface could result.

- 2) Any new roads associated with the facilities shall comply with Section 62 Ill. Adm. Code 1817.150 and 1817.151.

- 3) Existing roads may be used in accordance with the following:

- A) All applicable Federal, State, and local requirements shall be met;

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- B) If the road is significantly altered for the operation, including, but not limited to, change of grade, widening, or change of route, or if use of the road contributes additional suspended solids to streamflow or runoff, then paragraph (h) of this Section shall apply to all areas of the road which are altered or which result in such contributions; and

- C) If the road is significantly altered for the underground mining activities and will remain as a permanent road after activities are completed, the permittee shall ensure that the requirements of Section 62 Ill. Adm. Code 1817.150 and 1817.151 are met for the design, construction, alteration, and maintenance of the road.

- 4) Promptly after the activities are completed, existing:

- A) To a condition equal to or better than their predisturbance condition; or
- B) To the condition required for permanent roads under Section 62 Ill. Adm. Code 1817.150 and 1817.151, as appropriate.

- e) If excavation, artificial flat areas, or embankments are created during establishment of minor facilities, these areas shall be returned to the approximate original contour promptly after such features are no longer needed for the underground mining activity.

- f) If topsoil shall be removed, stored, and redistributed on disturbed areas as necessary to assure successful revegetation or as required by the Department.

- g) Revegetation of areas disturbed by the establishment or use of minor facilities shall be performed by the permittee, or his or her agent. All revegetation shall be in compliance with the plan approved by the Department and carried out in a manner that encourages prompt vegetative cover comparable with approved post-disturbance land uses.

- h) With the exception of small and temporary diversions of overland flow of water around new roads, drill pads, and support facilities, no ephemeral, intermittent or perennial stream shall be diverted during activities in connection with minor underground mine facilities. Overland flow of water shall be diverted in a manner that:

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- 1) Prevents erosion;
- 2) To the extent possible using the best technology currently available, prevents additional contribution of suspended solids to streamflow or runoff outside the disturbed area; and
- 3) Complies with all other applicable State or Federal requirements.

i) Each borehole, well, or other exposed underground opening created must meet the requirements of Section 1817.13, 1817.14, and 1817.15.

j) All facilities and equipment shall be removed from the disturbed area promptly when they are no longer needed, except for those facilities and equipment that the Department determines may remain to:

- 1) Provide additional environmental quality data;
- 2) Reduce or control the on and off-site effects of the activities; or
- 3) Facilitate future surface mining and reclamation operations by the person conducting the activities, under an approved permit.

k) Such minor facilities shall be utilized in a manner which minimizes disturbance of the prevailing hydrologic balance, and shall include sediment control measures such as those listed in Section 1817.45 or siltation structures which comply with Section 1817.46. The Department may specify additional measures which shall be adopted by the permittee.

- 1) Toxic- or acid-forming materials shall be handled and disposed of in accordance with Section 1817.103. If specified by the Department, additional measures shall be adopted by the permittee.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

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- 1) The Heading of the Part: Permit Applications--Minimum Requirements for Legal, Financial, Compliance, and Related Information

- 2) Code Citation: 62 Ill. Adm. Code 1778

- 3) Section Number: 1778.15
Proposed Action: Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act (State Act). Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1778.15 sets forth right of entry requirements for permit applications. The first proposed revision to subsection (a) is intended to eliminate confusion. The second proposed revision to subsection (a) makes clear that the mere submittal of documents does not suffice for right of entry purposes. Although the Department has the authority to require such information, as the proposed revision makes clear, the permit applicant must provide a description of the documents upon which it bases its legal right to enter and mine, rather than the actual documents.

The proposed addition of subsection (e) makes clear that permit applicants claiming valid existing rights must comply with additional permitting requirements as well as references those requirements.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 P.M. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1778

PERMIT APPLICATIONS--MINIMUM REQUIREMENTS
FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

Section
1778.4 Responsibility (Repealed)
1778.11 Applicability (Repealed)
1778.13 Identification of Interests
1778.14 Violation Information
1778.15 Right of Entry Information
1778.16 Relationship to Areas Designated Unsuitable for Mining
1778.17 Permit Term
1778.18 Insurance
1778.20 Identification of Location of Public Office for Filing of Application (Repealed)
1778.21 Proof of Publication
1778.22 Facilities or Structures Used in Common

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9348; amended at 11 Ill. Reg. 8368, effective July 1, 1987; amended at 14 Ill. Reg. 11873, effective January 1, 1991; amended at 15 Ill. Reg. 17265, effective January 1, 1992; amended at ____ Ill. Reg. _____, effective ____.

Section 1778.15 Right of Entry Information

- a) An application shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin surface coal mining and reclamation operations in the permit area and in the shadow area, and whether that right is the subject of pending litigation; however, no such information will be required for surface estates which overlie underground mine workings and will not be disturbed by surface facilities and related surface activities. The description shall identify those documents by type and date of execution, identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant, including the right to subside within the shadow area. The Department will not be liable in any way if the claimed right to enter and begin surface mining activities has been, or is later, adjudicated invalid by a court of competent jurisdiction. Documents shall not be submitted to the Department in lieu of the

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description identified in this subsection; however, the Department may subsequently require the applicant to provide such information during the permitting process.

- b) For surface mining activities where the private mineral estate to be mined has been severed from the private surface estate, the application shall also provide for lands within the permit area:

- 1) A copy of the written consent of the surface owner to the extraction of coal by surface mining methods;
- 2) A copy of the conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or
- 3) If the conveyance does not expressly grant the right to extract the coal by surface mining methods, documentation that under the applicable State law, the applicant has the legal authority to extract the coal by those methods.

- c) Nothing in this Section shall be construed to afford the Department the authority to adjudicate property title disputes.

- d) In satisfaction of the requirements of this Section the Department may accept, as part of a permit application, a statement, notarized and attested to the truth of the statement, signed by an attorney licensed to practice law in the State of Illinois, the applicant has the legal right to enter and commence the surface coal mining and reclamation operations proposed in the application. The statement shall identify the documents upon which it is based by type and date of execution, identify the specific lands to which each document pertains, and explain the legal rights claimed by the applicant. If subsection (b) applies, such statement shall also include copies of the documents as required in subsections (b)(1) through (3).

- e) An application in which the applicant claims to have valid existing rights to conduct surface coal mining operations within an area where mining is prohibited or limited under 62 Ill. Adm. Code 1761.11 shall contain the necessary information and meet the requirements of Section 1778.16 and 62 Ill. Adm. Code 1761.12.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Requirements for Coal Exploration

- 2) Code Citation: 62 Ill. Adm. Code 1772

- 3) Section Number: 1772.12
Proposed Action: Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1772.12(e) is proposed to be amended by adding a heading thereto and by changing the citation in subsection (2) in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11

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inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 P.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS
PART 1772
REQUIREMENTS FOR COAL EXPLORATION

Section	Scope and Purpose
1772.11	Notice Requirements for Exploration Removing 250 Tons of Coal or Less
1772.12	Permit Requirements for Exploration Removing More Than 250 Tons of Coal
1772.13	Coal Exploration Compliance Duties
1772.14	Requirements for Commercial Use or Sale
1772.15	Public Availability of Information
AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7905.01, 7905.02, 7905.03 and 7909.01).	
SOURCE: Adopted at 11 Ill. Reg. 8385, effective July 1, 1987; amended at 14 Ill. Reg. 11880, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at Ill. Reg. _____, effective _____.	

Section 1772.12 Permit Requirements for Exploration Removing More Than 250 Tons of Coal

- a) Any person who intends to conduct coal exploration outside a permit area during which more than two hundred and fifty (250) tons of coal will be removed or which will take place on lands designated as unsuitable for surface mining under 62 Ill. Adm. Code 1761 through 1764 shall before conducting the exploration submit an application and obtain written approval from the Department in an exploration permit.
- b) Each application for an exploration permit shall contain, at a minimum, the following information:
 - 1) The name, address, and telephone number of the applicant;
 - 2) The name, address, and telephone number of the applicant's representative who will be present at, and be responsible for, conducting the exploration;
 - 3) A narrative and map describing the proposed exploration area;
 - 4) A narrative description of the methods and equipment to be

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used to conduct the exploration and reclamation;

- 5) An estimated time table for conducting and completing each phase of the exploration and reclamation;
- 6) The estimated amount of coal to be removed and a description of the methods to be used to determine the amounts;
- 7) A statement of why extraction of more than two hundred and fifty (250) tons of coal is necessary for exploration;
- 8) A description of:

A) Cultural or historical resources listed on the National Register of Historic Places,

B) Cultural or historical resources known to be eligible for listing on the National Register of Historic Places,

C) Known archeological resources located within the proposed exploration area; and

D) Any other information which the Department may require regarding known or unknown historic or archeological resources, based upon consultation with the Illinois State Historic Preservation Agency;

- 9) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) identified within the proposed exploration area;

- 10) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1815;

- 11) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;

- 12) A map or maps at a scale of 1:24,000 or larger, showing the areas of the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground

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openings; location of excavated earth or waste-material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

- 13) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation.

- c) Public notice of the application and opportunity to comment shall be provided as follows:

- 1) Within five (5) days, the applicant shall provide public notice of the filing of an administratively complete application with the Department in a newspaper of general circulation which is on the Department's list of approved newspapers in the county of the proposed exploration area;

- 2) The public notice shall state the name and address of the person seeking approval, the date of filing of the application, the address of the Department where written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration. In no case shall the public comment period be less than thirty (30) days;

- 3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within the specified public comment period.

- d) Decision on an application for exploration removing more than two hundred and fifty (250) tons of coal.

- 1) The Department shall act upon an administratively complete application for a coal exploration permit and any written comments within sixty (60) days after the close of the public comment period. The approval of a coal exploration permit may be based only on a complete and accurate application.

- 2) The Department shall approve a complete and accurate application for a coal exploration operation filed in accordance with this Part, if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application will:

- A) Be conducted in accordance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201

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et seq.) (Act), 62 Ill. Adm. Code 1815, this Part and the regulatory program;

- 1) The Heading of the Part: Requirements for Permits and Permit Processing
- 2) Code Citation: 62 Ill. Adm. Code 1773

B) Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or result in the destruction or adverse modification of critical habitat of those species as defined in Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532); and

- 3) Section Number:
1773.13 Amended
1773.15 Amended
1773.20 Amended
1773.21 Amended

C) Not adversely affect any cultural or historic resources listed on the National Register of Historic Places, pursuant to the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq., 1976, Supp. V), unless the proposed exploration has been approved by the Department and the agency with jurisdiction over State Historic Preservation.

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

On December 13, 1991, the Federal Office of Surface Mining Reclamation and Enforcement (OSM), by final rule, instructed the Illinois Department of Mines and Minerals (Department) to submit proposed amendments designed to correct defects identified in Illinois' rules. See 56 Fed. Reg. 64986 (December 13, 1991).

In addition, the Department has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

e) Notice and review.

1) The Department shall notify the applicant, the appropriate local government officials, and other commenters on the application in writing, of its decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the Department at a public office in the vicinity of the exploration operations.

2) Any person with an interest which is or may be adversely affected by a decision of the Department pursuant to subsection (e)(1), shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1775.1847.3.

(Source: Amended at Ill. Reg. , effective)

Section 1773.13 sets forth requirements for public participation in permit processing. Subsection (a)(1)(E) is proposed to be revised by requiring that permit applicants, in specified instances, include in their advertisement a description of the activities proposed within 100 feet of a road. Subsection (c)(2) is proposed to be revised by changing the time limit within which the Department must hold an informal conference regarding its decision on a permit application from 75 days to a reasonable time. The revision is necessary as experience has proven that the 75 day time limit is difficult or impossible to meet when a request for informal conference is received late in the time frame within such requests may be made. Changing the time limit to "a reasonable time" is consistent with the federal counterpart rule at 30 CFR 773.13 (c)(2). Subsection (d)(3) is proposed to be revised by updating the statutory citation date.

Section 1773.15 sets forth requirements for the Department's review of permit applications. To be no less effective than its federal counterpart, 30 CFR 773.15(b)(1)(ii), subsection (b)(1)(B) is proposed to be revised to clarify that any review under 30 CFR 775.13 would be conducted by the federal district court and not the state circuit court.

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The proposed citation revisions in Section 1773.15(b)(1)(B) and (b)(3) reflect the Department's reorganization of its hearing rules in this rulemaking. A typographical error is being corrected in subsection (c)(12).

New language is proposed for Section 1773.15(d) which provides that the Department's written findings will expire within one year if bond and permit fees are not submitted by the applicant. This revision is intended to eliminate the situation where findings are arguably effective even though outdated. The Department currently has no mechanism for findings expiration.

The proposed revisions of Sections 1773.20(b)(2)(B) and 1773.21(c) reflect the Department's proposed revision and reorganization of its hearing rules in this rulemaking.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF MINES AND MINERALS
NOTICE OF PROPOSED AMENDMENT(S)TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1773
REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section

- 1773.1 Scope and Purpose
- 1773.5 Definitions
- 1773.11 Requirements to Obtain Permits
- 1773.12 Regulatory Coordination with Requirements under Other Laws
- 1773.13 Public Participation in Permit Processing
- 1773.14 Opportunity for Public Hearing
- 1773.15 Review of Permit Applications
- 1773.17 Permit Conditions
- 1773.19 Permit Issuance and Right of Renewal
- 1773.20 Improvidently Issued Permits: General Procedures
- 1773.21 Improvidently Issued Permits: Rescission Procedures

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991; amended at 15 Ill. Reg. 17274, effective January 1, 1992; amended at 15 Ill. Reg. 17274, effective January 1, 1992; amended at 15 Ill. Reg. 17998, effective January 1, 1992; amended at 111. Reg. _____, effective _____.

Section 1773.13 Public Participation in Permit Processing

a) Filing and public notice.

- 1) Upon submission of an administratively complete application, an applicant for a permit, significant revision of a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15, shall place an advertisement in a local newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least once a week for four (4) consecutive weeks. A copy of the advertisement as it will appear in the newspaper shall be submitted to the Department. The advertisement shall contain, at a minimum, the following:

- A) The name and business address of the applicant.
- B) A map or description which clearly shows or describes the precise location and boundaries of the proposed

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permit area and is sufficient to enable local residents to readily identify the proposed permit area. It may include towns, bodies of water, local landmarks, and any other information which would identify the location. If a map is used, it shall indicate the north direction.

- C) The location where a copy of the application is available for public inspection.
- D) The address of the office of the Department where written comments, objections or requests for informal conferences and public hearings on the application may be submitted under subsections (b) and (c).
- E) If an applicant seeks a permit to mine within one hundred (100) feet of the outside right-of-way of a public road, except where public notice and hearing have previously been provided for this particular part of the road in accordance with 62 Ill. Adm. Code 1761.12(c), a concise statement describing the public road, the activities proposed within one hundred (100) feet of the road, the particular part to be relocated or closed, if applicable, and the approximate timing and duration of the relocation or closing.
- F) If the application includes a request for an experimental practice under 62 Ill. Adm. Code 1785.13, a statement indicating that an experimental practice is requested and identifying the regulatory provisions for which a variance is requested.

- 2) The applicant shall make an application for a permit, significant revision under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15 available for the public to inspect and copy by filing a full copy of the application with the clerk at the courthouse of the county where the mining is proposed to occur. This copy of the application need not include confidential information exempt from disclosure under subsection (d). The application required by this subsection shall be filed in accordance with Section 2.04(a) of the State Act. The applicant shall file any changes to the application with the public office at the same time the change is submitted to the Department.

- 3) Upon receipt of an administratively complete application for a permit, a significant revision to a permit under 62 Ill. Adm. Code 1774.13, or a renewal of a permit under 62 Ill.

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Adm. Code 1774.15, the Department shall issue written notification indicating the applicant's intention to mine the described tract of land, the application number or other identifier, the location where the copy of the application may be inspected, and the location where comments on the application may be submitted. The notification shall be sent to:

- A) Local governmental agencies with jurisdiction over or an interest in the area of the proposed surface coal mining and reclamation operation, including but not limited to planning agencies, sewage and water treatment authorities, water companies; and
- B) All Federal or State governmental agencies with authority to issue permits and licenses applicable to the proposed surface coal mining and reclamation operation and which are part of the permit coordinating process developed in accordance with Section 503(a)(6) of the Federal Act or Section 1773.12; or those agencies with an interest in the proposed operation, including the U.S. Department of Agriculture Soil Conservation Service district office, the local U.S. Army Corps of Engineers district engineer, the National Park Service, State and Federal fish and wildlife agencies, and the historic preservation officer.

b) Comments and objections on permit applications.

- 1) Written comments or objections to an application for a permit, significant revision to a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15 may be submitted to the Department by any person having an interest which is or may be adversely affected by the decision on the application, or by an officer or head of any Federal, State, or local government agency or authority notified under subsection (a)(3), within thirty (30) days after the last publication of the newspaper notice required by subsection (a). Any person not a public officer, as designated in this subsection, who submits written comments or objections to an application and claims to have an interest which is or may be adversely affected by the Department's decision shall identify the interest(s) claimed and shall state how the Department's decision may or will adversely affect the interest(s) specified.

- 2) The Department shall upon receipt of such written comments or

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objections:

- A) Transmit a copy of the comments or objections to the applicant; and
- B) File a copy for public inspection at the same public office where the application is filed.

c) Informal conferences.

- 1) Any person having an interest which is or may be adversely affected by the decision on the application, or an officer or head of a Federal, State, or local government agency, may request in writing that the Department hold an informal conference on the application for a permit, significant revision to a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15. Any person not a public officer, as designated in this subsection, who requests the Department to hold an informal conference with respect to an application based on a claim of an interest which is or may be adversely affected by the Department's decision, shall in the request for an informal conference identify the interest(s) claimed and shall state how the Department's decision may or will adversely affect the interest(s) specified. The request shall:
 - A) Briefly summarize the issues to be raised by the requester at the conference;
 - B) State whether the requester desires to have the conference conducted in the locality of the proposed operation; and
 - C) Be filed with the Department no later than thirty (30) days after the last publication of the newspaper advertisement required under subsection (a).
- 2) Except as provided in subsection (c)(3), if an informal conference is requested in accordance with subsection (c)(1), the Department shall hold an informal conference within ~~seventy-five--(75)--days--after-the--first--newspaper--notice required--by--subsection--(a)~~ a reasonable time following receipt of the request. The informal conference shall be conducted as follows:
 - A) If requested under subsection (c)(1)(B), it shall be held in the locality of the proposed surface coal mining and reclamation operation.

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- B) The date, time, and location of the informal conference shall be sent to the applicant and other parties to the conference and advertised by the Department in a newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least two (2) weeks before the scheduled conference.
- C) If requested in writing by a conference requester at least seven (7) days before the conference, the Department may arrange with the applicant to grant parties to the conference access to the proposed permit area and, to the extent that the applicant has the right to grant access to it, to the shadow area and adjacent area prior to the established date of the conference for the purpose of gathering information relevant to the conference.

- D) The conference shall be conducted by a representative of the Department, who shall accept oral or written statements and any other relevant information from any party to the conference. An electronic or stenographic record shall be made of the conference, unless waived by all the parties. The record shall be maintained and shall be accessible to the parties of the conference until final release of the applicant's performance bond or other equivalent guarantee pursuant to 62 Ill. Adm. Code 1800.40.

- 3) If all parties requesting the informal conference withdraw their request before the conference is held, the informal conference shall be canceled.

- 4) Informal conferences held in accordance with Section 1773.13(c) may be used by the Department as the public hearing required under 62 Ill. Adm. Code 1761.12(c) on proposed relocation or closing of public roads.

- d) Public availability of permit applications.

- 1) General availability.

Except as provided in subsection (d)(2) or (d)(3), all applications for permits; revisions; renewals; and transfers, assignments or sales of permit rights on file with the Department shall be available, at reasonable times, for public inspection and copying.

- 2) Limited availability.

Except as provided for in subsection (d)(3)(A), information pertaining to coal seams, test borings, core samplings, or soil samples in an application shall be made available to any person with an interest which is or may be adversely affected. Information subject to subsection (d)(2) shall be made available to the public when such information is required to be on public file pursuant to The Freedom of Information Act (Ill. Rev. Stat. 1985 1991, ch. 116, pars. 201 et seq.).

- 3) Confidentiality.

In accordance with The Freedom of Information Act (Ill. Rev. Stat. 1985 1991, ch. 116, pars. 201 et seq.), the Department provides procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure, to ensure confidentiality of qualified confidential information, which shall be clearly identified by the applicant and submitted separately from the remainder of the application. Confidential information is limited to:

- A) Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment;
- B) Information required under Section 508 of the Federal Act that is not on public file pursuant to State law and that the applicant has requested in writing to be held confidential;
- C) Information on the nature and location of archaeological resources on public land and Indian land as required under the Archaeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 1773.15 Review of Permit Applications

a) General.

- 1) The Department shall review the application for a permit, revision, or renewal; written comments and objections submitted; and records of any informal conference or hearing

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held on the application and issue a written decision, in accordance with Section 1773.19, either granting, requiring modification of, or denying the application. If an informal conference is held under Section 1773.13(c), the decision shall be made within sixty (60) days of the close of the conference, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3).

- 2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.

b) Review of violations.

- 1) Based on available information concerning Federal and State failure-to-abate cessation orders, as defined in 62 Ill. Adm. Code 1843.11(b) or under the counterpart rule of another state regulatory authority, unabated Federal and State imminent harm cessation orders, as defined in 62 Ill. Adm. Code 1843.11(a) or under the counterpart rule of another state regulatory authority, delinquent civil penalties issued pursuant to Section 8.04 of the State Act and Section 518 of the Federal Act or pursuant to the counterpart provision of another state regulatory program, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act or any other law, rule or regulation referred to in this subsection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under Federal or State program has been or is being corrected to the satisfaction of the agency with jurisdiction over the violation, except where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:

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- A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or
- B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit or district court reviewing the violation, pursuant to 62 Ill. Adm. Code 1775.13 1847.4(1), 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) within thirty (30) days of the court's decision.

- 2) Any permit that is issued on the basis of proof submitted under subsection (b)(1)(A) that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1)(B), shall be conditionally issued.

- 3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Acts of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Acts, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code 1775.13 1847.3.

c) Written findings for permit application approval.

No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

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- 1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.
- 2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.
- 3) The proposed permit area or the proposed shadow area for a planned subsidence operation is:
 - A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or
 - B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or subject to the prohibitions or limitations of 62 Ill. Adm. Code 1761.11 and 1761.12.

- 4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).

- 5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

- 6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).

- 7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.

- 8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.

- 9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).
- 10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- 11) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701 Appendix A.
- 12) The Department has taken into account the effect of the proposed permitting action on properties listed on and or eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Department has determined that no additional measures are necessary.

- d) Performance-bond-submittal

If--the-Department--decides-to--approve-the--application;--it--shall require--that--the--applicant--file--the--performance-bond--or--provide other--equivalent--guarantee--before--the--permit--is--issued;--in accordance-with-the-provisions-of-62-III--Adm--Code-1800.

Expiration of findings.

Written findings issued by the Department approving a permit application shall expire within one (1) year from the date of issuance if the permit has not been issued based upon the applicant's failure to submit permit fees in accordance with 62 Ill. Adm. Code 1777.17 or a performance bond in accordance with 62 Ill. Adm. Code 1800.11.

- e) Final compliance review.

After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under

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62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1773.20 Improvidently Issued Permits: General Procedures

a) Permit review.

If the Department receives information indicating that it improvidently issued a surface coal mining and reclamation permit, the Department shall review the circumstances under which the permit was issued using a criteria in subsection (b) below. Where the Department finds that the permit was improvidently issued, it shall undertake the remedial measures set forth in subsection (c) below.

b) Review criteria.

The Department shall find that a surface coal mining and reclamation permit was improvidently issued if:

- 1) Under the violations review criteria of the regulatory program at the time the permit was issued:

A) The Department should not have issued the permit because of an unabated violation or a delinquent penalty or fee; or

B) The permit was issued on the presumption that a notice of violation was in the process of being corrected to the satisfaction of the agency with jurisdiction over the violation, but a cessation order subsequently was issued; and

- 2) The violation, penalty or fee:

A) Remains unabated or delinquent; and

B) Is not the subject of a good faith appeal, pursuant to 62 Ill. Adm. Code 1843-er-1845 1847, or in accordance with like procedures in other regulatory jurisdictions, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; and

- 3) Where the permittee was linked to the violation, penalty or fee through ownership or control, under the violations review

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criteria of the regulatory program at the time the permit was issued an ownership or control link between the permittee and the person responsible for the violation, penalty or fee still exists, or where the link was severed the permittee continues to be responsible for the violation, penalty or fee.

c) Remedial measures.

If the Department finds, under subsection (b), that because of an unabated violation or a delinquent penalty or fee a permit was improvidently issued, the Department shall undertake one or more of the following remedial measures:

- 1) Implement, with the cooperation of the permittee or other person responsible, and of the responsible agency, a plan for abatement of the violation or a schedule for payment of the penalty or fee;
- 2) Impose on the permit a condition requiring that in the specified period of time the permittee or other person responsible abate the violation or pay the penalty or fee;
- 3) Suspend the permit until the violation is abated or the penalty or fee is paid; or
- 4) Rescind the permit under Section 1773.21.

(Source: Amended at ___ Ill. Reg. ___, effective ___)
Section 1773.21 Improvidently Issued Permits: Rescission Procedures

If the Department, under Section 1773.20(c)(4), elects to rescind an improvidently issued permit, the Department shall serve on the permittee a notice of proposed suspension and rescission which includes the reasons for the finding of the Department under Section 1773.20(b) and states that:

a) Automatic suspension and rescission.

After a specified period of time not to exceed ninety (90) days the permit automatically will become suspended, and not to exceed ninety (90) days thereafter rescinded, unless within those periods the permittee submits proof, and the Department finds, that:

- 1) The Department's finding under Section 1773.20(b) was erroneous;
- 2) The permittee or other person responsible has abated the

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violation on which the finding was based, or paid the penalty or fee, to the satisfaction of the responsible agency;

- 3) The violation, penalty or fee is the subject of a good faith appeal, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; or
- 4) Since the finding was made, the permittee has severed any ownership or control link with the person responsible for, and does not continue to be responsible for, the violation, penalty or fee.

b) Cessation of operations.

After permit suspension or rescission, the permittee shall cease all surface coal mining and reclamation operations under the permit, except for violation abatement and for reclamation and other environmental protection measures including, but not limited to, maintenance and monitoring as required by the Department; and

c) Right to appeal.

The permittee may file a request for an administrative hearing to contest the notice under 62 Ill. Adm. Code §775-11.1847.3.

(Source: Amended at Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: Requirements for Permits for Special Categories of Mining

- 2) Code Citation: 62 Ill. Adm. Code 1785

- 3) Section Number: 1785.13
Proposed Action: Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1785.13 sets forth requirements for experimental practices mining. Subsection (a) is proposed to be revised to account for the repealer of Part 1775 in this rulemaking. Subsection (g) is proposed to be amended in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

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Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1785

REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

- Section
1785.1
1785.2
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1785.18
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1785.23

- Objective
Experimental Practices Mining
Mountaintop Removal Mining
Steep Slope Mining
Permits Incorporating Variances From Approximate Original Contour Restoration Requirements
Prime Farmlands
Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Mining Activities
Augering
Coal Preparation Plants Not Located Within the Permit Area of a Mine
In Situ Processing Activities
Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 15930; amended at 9 Ill. Reg. 13324, effective October 10, 1985; amended at 11 Ill. Reg. 8416, effective July 1, 1987; amended at ___ Ill. Reg. ___, effective _____.

Section 1785.13 Experimental Practices Mining

- a) Experimental practices provide a variance from environmental protection performance standards of the Surface Coal Mining Land Conservation and Reclamation Act (State Act) (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, par. 7901.01 et seq.), 62 Ill. Adm. Code 1810 through 1828 and the regulatory program for experimental or research purposes, or to allow an alternative post-mining land use, and may be undertaken if they are approved by the Illinois Department of Mines and Minerals (Department) and the Director of the Office of Surface Mining Reclamation and Enforcement (Federal Director) and if they are incorporated into a permit or permit revision issued in accordance with the requirements of 62 Ill. Adm. Code 1772 through 1775 1774.

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- b) An application for an experimental practice shall contain descriptions, maps, plans and data which show:

- 1) The nature of the experimental practice, including a description of the performance standards for which variances are requested, the duration of the experimental practice, and any special monitoring which will be conducted;
- 2) How use of the experimental practice encourages advances in mining and reclamation technology or allows a post-mining land use for industrial, agricultural, commercial, residential, or public use (including recreation facilities) on an experimental basis;

- 3) That the experimental practice:

- A) Is potentially more, or at least as, environmentally protective, during and after mining operations, as would otherwise be required by standards promulgated under 62 Ill. Adm. Code 1810 through 1828; and
- B) Will not reduce the protection afforded public health and safety below that provided by the requirements of 62 Ill. Adm. Code 1810 through 1828.

- 4) That the applicant will conduct monitoring of the effects of the experimental practice. The monitoring program shall ensure the collection, analysis, and reporting of reliable data that are sufficient to enable the Department and the Federal Director to:

- A) Evaluate the effectiveness of the experimental practice; and
- B) Identify, at the earliest possible time, potential risk to the environment and public health and safety which may be caused by the experimental practice during and after mining.

- c) Applications for experimental practices shall comply with the public notice requirements of 62 Ill. Adm. Code 1773.13.

- d) No application for an experimental practice under this Section shall be approved until the Department first finds in writing and the Federal Director then concurs that:

- 1) The experimental practice encourages advances in mining and

reclamation technology or allows a post-mining land use for industrial, agricultural, commercial, residential, or public use (including recreational facilities) on an experimental basis;

- 2) The experimental practice is potentially more, or at least as, environmentally protective, during and after mining operations, as would otherwise be required by standards promulgated under 62 Ill. Adm. Code 1810 through 1828;

- 3) The mining operations approved for a particular land use or other purpose are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practice; and

- 4) The experimental practice does not reduce the protection afforded public health and safety below that provided by standards promulgated under 62 Ill. Adm. Code 1810 through 1828.

e) Experimental practices granting variances from the special environmental protection performance standards of Section 515 and 516 of the Surface Mining Reclamation and Control Act of 1977 (30 U.S.C. 1265 and 1266) (Federal Act) applicable to prime farmlands shall be approved only after consultation with the U.S. Department of Agriculture, Soil Conservation Service.

- f) Each person undertaking an experimental practice shall conduct the periodic monitoring, recording and reporting program set forth in the application, and shall satisfy such additional requirements as the Department or the Federal Director shall impose to ensure protection of the public health and safety and the environment.

- g) Each experimental practice shall be reviewed by the Department at a frequency set forth in the approved permit, but no less frequently than every two and a half (2 1/2) years. After review, the Department may require such modifications of the experimental practice as are necessary to ensure that the activities fully protect the environment and the public health and safety. Copies of the decision of the Department shall be sent to the permittee and shall be subject to the provisions for administrative and judicial review of 62 Ill. Adm. Code 1775 1847.3.

- h) Revisions or modifications to an experimental practice shall be processed in accordance with the requirements of 62 Ill. Adm. Code 1774.13 and approved by the Department. Any revisions which proposed significant alterations in the experimental practice shall, at a minimum, be subject to notice, hearing, and public

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participation requirements of 62 Ill. Adm. Code 1773.13 and concurrence by the Federal Director. Revisions that do not propose significant alterations in the experimental practice shall not require concurrence by the Federal Director.

(Source: Amended at ___ Ill. Reg. ___, effective ____.)

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1) The Heading of the Part: Restriction on Financial Interests of State Employees

2) Code Citation: 62 Ill. Adm. Code 1705

3) Section Number: 1705.21
Proposed Action:
Amended

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1705.21 is proposed to be amended in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11

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inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1705

RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Section	Objectives
1705.2	Authority (Repealed)
1705.3	Responsibility
1705.4	Penalties
1705.6	Who Shall File
1705.11	When to File
1705.13	Where to File
1705.15	What to Report
1705.17	Gifts and Gratuities
1705.18	Resolving Prohibited Interests
1705.19	Appeals Procedures
1705.21	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 1643; amended at 11 Ill. Reg. 8452, effective July 1, 1987; amended at ____ Ill. Reg. ____, effective ____.

Section 1705.21 Appeals Procedures

Any employee who is dissatisfied with the Director's decision may file an appeal within thirty (30) days after the Department mails the Director's decision to the employee. The Department shall hold a hearing in accordance with the procedures outlined in 62 Ill. Adm. Code 1775-11 1847.3.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

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- 1) The Heading of the Part: Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights

- 2) Code Citation: 62 Ill. Adm. Code 1774

- 3) Section Number:
 1774.11 Amended
 1774.13 Amended
 1774.15 Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1774.11 sets forth requirements regarding the Department's review of permits. Subsection (c) is proposed to be revised in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1774.13 sets forth requirements regarding permit revisions. Subsection (b)(2)(E) is proposed to be revised to define under what circumstances a significant permit revision would be required for land use changes. Subsection (d)(2) is proposed to be revised to clarify that incidental boundary revisions (IBR) are allowable if contiguous to the shadow area. This has no impact on current procedures. The revision also increases administrative flexibility by allowing non-contiguous incidental boundary revisions for long-term surface support facilities at underground mines. This change is intended to complement the Department's existing regulations regarding minor underground facilities (MUF). Since non-contiguous IBRs will be issued for the same types of facilities currently allowed as MUFs, it is proposed they be subject to the MUF performance standards. The proposed revision to subsection (d)(4) is necessary in order to clarify that non-contiguous IBRs will be subject to the performance standards for MUFs, and not the original permit performance standards. The proposed revision to subsection (d)(5) limits the amount of acreage which may be added to an existing non-contiguous IBR area. This will be consistent with MUF regulations, since a MUF is issued as a separate permit which automatically limits the size of an IBR.

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Section 1774.15 sets forth requirements for permit renewals. The proposed revision to subsection (f) is necessary in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

- 6) Will this proposed rule replace an emergency rule currently in effect?
 No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance:
 None

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- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1774

REVISION; RENEWAL; AND TRANSFER, ASSIGNMENT, OR SALE OF PERMIT RIGHTS

Section

- 1774.1 Scope and Purpose
- 1774.11 Department Review of Permits
- 1774.13 Permit Revisions
- 1774.15 Permit Renewals
- 1774.17 Transfer, Assignment, or Sale of Permit Rights

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 8469, effective July 1, 1987; amended at 14 Ill. Reg. 11900, effective January 1, 1991; amended at 15 Ill. Reg. 17284, effective January 1, 1992; amended at ____ Ill. Reg. _____, effective _____.

Section 1774.11 Department Review of Permits

- a) The Illinois Department of Mines and Minerals (Department) shall review each permit issued and outstanding under the regulatory program during the term of the permit. This review shall occur not later than the middle of each permit term and as follows:
- 1) Permits with a term longer than five (5) years shall be reviewed no less frequently than the permit midterm or every five (5) years, whichever is more frequent.
 - 2) Permits with variances granted in accordance with 62 Ill. Adm. Code 1785.14 (mountaintop removal) and 62 Ill. Adm. Code 1785.18 (variance for delay in contemporaneous reclamation requirement in combined surface and underground mining operations) shall be reviewed no later than three (3) years from the date of issuance of the permit unless, for variances issued in accordance with 62 Ill. Adm. Code 1785.14, the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the permit.
 - 3) Permits containing experimental practices issued in accordance with 62 Ill. Adm. Code 1785.13 and permits with a variance from approximate original contour requirements in accordance

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with 62 Ill. Adm. Code 1785.16 shall be reviewed as set forth in the permit or at least every two and one half (2 1/2) years from the date of issuance as required by the Department, in accordance with 62 Ill. Adm. Code 1785.13(g) and 1785.16(c), respectively.

- b) After the review required by subsection (a), or at any time, the Department may, by order, require revision of a permit in accordance with Section 1774.13 to ensure compliance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Act) and the regulatory program.
- c) Any order of the Department requiring revision of a permit shall be based upon written findings and shall be subject to the provisions for administrative and judicial review in 62 Ill. Adm. Code 1775.1847.3. Copies of the order shall be sent to the permittee within five (5) working days of issuance.

- d) Permits may be suspended or revoked in accordance with 62 Ill. Adm. Code 1840 through 1845.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1774.13 Permit Revisions

- a) During the term of a permit, the permittee may submit an application to the Department for a revision of the permit. Such application may be made on the standard Department permit form; however, only those sections of the form which pertain to the revision in question must be completed.

- b) Application Requirements and Procedures.

- 1) The Department will approve or disapprove applications for insignificant revisions within ninety (90) days after receipt of the application; applications for significant revision will be acted upon in accordance with 62 Ill. Adm. Code 1773.13 and 1773.15.

- 2) A significant revision to a permit shall be obtained for changes in the surface coal mining or reclamation operations described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining or reclamation operations contemplated by the original permit. For purpose of these requirements, significant departures from the methods or conduct of mining or reclamation operations include any change in such mining or reclamation operations,

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except the following, if not contemplated or provided for in the original permit:

- A) For surface mines, changes of direction of mining or location of mining equipment within the permit area;
- B) Substitution of mining equipment designed for the same purpose, the use of which is not detrimental to achievement of final reclamation or subsidence control;
- C) For underground mines, any change in direction or location of mining within the permit area or shadow area, in response to unanticipated events;
- D) Any other change in operations, methods, or conduct of mining described in writing to the Department which the Department excuses in writing from requirement of revision on a case-by-case basis after determining that the described change will have no significant potential adverse impact on the achievement of final reclamation plans or subsidence control plans or upon the surrounding area;

- E) Any alteration in the reclamation plan or reclamation operations which does not involve significant delay or any significant change in land use described in writing to the Department and excused from this requirement of revision on a case-by-case basis. A significant revision shall be required for land use changes involving greater than 5% of the total permit acreage, or more than 50 acres, whichever is less. The 5% or 50 acre limit shall be a cumulative total from permit issuance until final bond release. Alternative land use proposals shall comply with 62 Ill. Adm. Code 1816.133/1817.133, and shall be approved only after consultation with the landowner or the land management agency with jurisdiction over the lands; or

- F) Any temporary change in operations, subsidence control or reclamation plans necessitated by unanticipated and unusually adverse weather conditions, other acts of God, strikes, or other cause beyond the reasonable control of the permittee, after review and approval by the Department in writing, provided that all steps specified by the Department to maximize environmental protection are taken.

- 3) All significant permit revision applications shall meet the

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requirements of 62 Ill. Adm. Code 1773.13, 1773.19(b)(1) and (3) and 1778.21.

c) No application for a permit revision shall be approved unless the application demonstrates and the Department finds that reclamation as required by the Act and the regulatory program can be accomplished, applicable requirements under 62 Ill. Adm. Code 1773.15(c) which are pertinent to the revision are met, and the application for a revision complies with all requirements of the Act and the regulatory program.

d) Extensions of the permit area, except for incidental boundary revisions, shall be made by application for a new permit, and shall not be approved under this Part. Extensions of the shadow area, except for incidental boundary revisions, shall be made and approved pursuant to the requirements of this Part. Application for incidental boundary revisions shall be made pursuant to subsection 1774.13(a). Incidental boundary revisions are those which:

- 1) Constitute a relatively small percentage of the initial permit acreage;
- 2) Are contiguous with the permit or shadow area acreage, except that isolated, non-contiguous, incidental boundary revisions associated with underground mining activities may not be contiguous provided such facilities do not include land reclamation or coal waste disposal areas. Non-contiguous incidental boundary revisions shall be subject to the performance standards of 62 Ill. Adm. Code 1817.1e2;

- 3) Are required for the orderly and continuous mining operation;
- 4) Would be reclaimed in conformity with the initial plan, except where provided under subsection (d)(2);
- 5) For the purpose of this section, incidental boundary changes are described as follows:

Original Permit Acres	Maximum Size of Boundary Change-Acres
Up to 10	1
Up to 25	2.5
Up to 50	5
Up to 75	7.5
Up to 100	10
Over 100	20

The maximum size for acreage additions to approved non-contiguous incidental boundary revision areas, as described in subsection (d)(2), shall be based upon the original boundary revision acreage, not the original permit acreage.

6) Notice of an incidental boundary revision application shall be published in a local newspaper in the area of the proposed activities. The notice shall describe the general area of the proposed activities and shall state the name and business address of the permittee, the address of the Department at which written comments on the application may be submitted and the closing date of the comment period. In no case shall the public comment period be less than ten (10) days. In order to process the incidental boundary revision application, proof of such publication must be submitted to the Department.

6a) A determination as to what constitutes a significant departure shall be made by the Department in consultation with the permittee. Changes which do not alter the final reclamation or mining plan are considered minor and do not require permit revision. However, any request for such changes shall be included in a written request to the Department.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1774.15 Permit Renewals

a) A valid permit shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

b) Application requirements and procedures.

1) An application for renewal of a permit shall be filed with the Department at least one hundred and eighty (180) days before expiration of the existing permit term.

2) An application for renewal of a permit shall be in the form required by the Department and shall include at a minimum:

- A) The name and address of the permittee, the term of the renewal requested, and the permit number or other identifier;
- B) Evidence that a liability insurance policy or adequate self-insurance under 62 Ill. Adm. Code 1800.60 will be

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provided by the applicant for the proposed period of renewal;

- C) Evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Department pursuant to 62 Ill. Adm. Code 1800;
- D) A copy of the proposed newspaper notice and proof of publication of same, as required by 62 Ill. Adm. Code 1778.21; and
- E) Additional revised or updated information required by the Department.

- 3) Applications for renewal shall be subject to the requirements of public notification and public participation contained in 62 Ill. Adm. Code 1773.13 and 1773.19 (a)(3).

- 4) If an application for renewal includes any proposed revisions to the permit, such revisions shall be identified and be subject to the requirements of Section 1774.13.

- 5) If a complete application for renewal of a permit includes a proposal to extend the mining and reclamation operation beyond the permit area boundaries authorized in the existing permit, the portion of the complete application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new permit applications under the Act, and 62 Ill. Adm. Code 1773, 1777, 1778, 1779, 1780, 1783, 1784, 1785, and 1800.

c) Approval process.

- 1) Criteria for approval. The Department shall approve a complete and accurate application for permit renewal, unless it finds, in writing:

- A) The terms and conditions of the existing permit are not being satisfactorily met;
- B) The present surface coal mining and reclamation operations are not in compliance with the environmental protection standards of the Act and the regulatory program;
- C) The requested renewal substantially jeopardizes the

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operator's continuing ability to comply with the Act and the regulatory program on existing permit areas;

- D) The operator has not provided evidence of having liability insurance or self-insurance as required in 62 Ill. Adm. Code 1800.60;

- E) The operator has not provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal, as well as any additional bond the Department might require pursuant to 62 Ill. Adm. Code 1800; or

- F) Additional revised or updated information required by the Department has not been provided by the applicant.

- 2) Burden of proof. In the determination of whether to approve or deny the renewal of a permit, the burden of proof shall be on the opponents of renewal.

- d) Renewal term. Any permit renewal shall be for a term not to exceed the period of the original permit established under 62 Ill. Adm. Code 1773.19.

- e) Notice of decision. The Department's decision issued pursuant to subsection (c) shall be made before the expiration of the original permit term. Within five (5) working days, the Department shall send copies of its decision to the applicant, to each person who filed comments or objections on the renewal, to each party to any informal conference held on the permit renewal, and to the Office of Surface Mining Reclamation and Enforcement (OSMRE).

- f) Administrative and judicial review. Any person having an interest which is or may be adversely affected by the decision of the Department shall have the right to administrative and judicial review set forth in 62 Ill. Adm. Code 1775 1847.3.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Special Permanent Program Performance Standards--Coal Preparation Plants Not Located Within the Permit Area of a Mine

2) Code Citation: 62 Ill. Adm. Code 1827

3) Section Number:
1827.12
Proposed Action:
Amended

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act, Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1827.12 sets forth performance standards for coal preparation plants. Subsections (b) and (d) are proposed to be revised to update the regulations.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

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Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

comply with 62 Ill. Adm. Code 1816.181.

PART 1827
SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS--
COAL PREPARATION PLANTS NOT LOCATED
WITHIN THE PERMIT AREA OF A MINE

Section

- 1827.1 Scope
- 1827.11 Applicability
- 1827.12 Coal Preparation Plants: Performance Standards

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1995 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 16442; amended at 11 Ill. Reg. 8511, effective July 1, 1987; amended at ____ Ill. Reg. _____, effective _____.

Section 1827.12 Coal Preparation Plants: Performance Standards

Construction, operation, maintenance, modification, reclamation, and removal activities at operations covered by this Part shall comply with the following:

- a) Signs and markers for the coal preparation plant, coal processing waste disposal area, and water treatment facilities shall comply with 62 Ill. Adm. Code 1816.11;
- b) Roads shall comply with 62 Ill. Adm. Code 1816.150 and 1816.151;
- c) Any stream channel diversion shall comply with 62 Ill. Adm. Code 1816.43;
- d) Drainage from and ground water quality within any disturbed area related to the coal preparation plant shall comply with 62 Ill. Adm. Code 1816.45 through 1816.47 and all discharges from these areas shall meet the requirements of 62 Ill. Adm. Code 1816.41 and 1816.42 and any other applicable State or Federal law;
- e) Permanent impoundments associated with coal preparation plants shall meet the requirements of 62 Ill. Adm. Code 1816.49 and 1816.56. Dams constructed of or impounding coal processing waste shall comply with 62 Ill. Adm. Code 1816.84;
- f) Support facilities related to the coal preparation plant shall

- g) Disposal of coal processing waste, noncoal mine waste, and excess spoil shall comply with 62 Ill. Adm. Code 1816.81 through 1816.87, 1816.89, and 1816.71 through 1816.74, respectively;
- h) Cessation of operations shall be in accordance with 62 Ill. Adm. Code 1816.131 and 1816.132;
- i) Erosion and air pollution attendant to erosion shall be controlled in accordance with 62 Ill. Adm. Code 1816.95;
- j) Fish, wildlife and related environmental values shall be protected in accordance with 62 Ill. Adm. Code 1816.97;
- k) Adverse effects upon, or resulting from, nearby underground coal mining activities shall be minimized by appropriate measures including, but not limited to, compliance with 62 Ill. Adm. Code 1816.79;
- l) Reclamation shall follow proper topsoil handling, revegetation, backfilling and grading, and post-mining land use procedures in accordance with 62 Ill. Adm. Code 1816.22, 1816.100, 1816.102, 1816.104, 1816.106, 1816.111 through 1816.117, and 1816.133, respectively.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: State Enforcement

- 2) Code Citation: 62 Ill. Adm. Code 1843

- 3) Section Number: Proposed Action:
 1843.12 Amended
 1843.13 Amended
 1843.14 Amended
 1843.15 Amended
 1843.16 Repealed
 1843.17 Repealed
 1843.20 Repealed
 1843.21 Repealed

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1843.12 sets forth requirements regarding notices of violation. Subsection (i) is proposed to be revised to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1843.13 sets forth requirements regarding permit revocation and suspension. Subsection headings are being added at subsections (a) and (a)(4). Subsections (c) and (e) through (k) are proposed to be revised to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1843.14 sets forth requirements regarding service of notices of violation, cessation orders and show cause orders. The proposed revision of subsection (a)(2) provides an alternative means of service of notices of violation, cessation orders and show cause orders and is consistent with its federal counterpart rule.

Section 1843.15 sets forth provisions for informal public hearings. Subsection (a) is proposed to be revised to clarify that such hearings may be waived.

Section 1843.16, which sets forth requirements regarding formal review of citations, is proposed to be repealed due to the Department's

reorganization of its hearing rules in this rulemaking.

Section 1843.17 sets forth requirements regarding temporary injunctive relief. It is proposed to be repealed due to the Department's reorganization of its hearing and procedural rules in this rulemaking.

Sections 1843.20 and 1843.21 set forth intervention and discovery provisions. Both are proposed to be repealed due to the Department's reorganization and consolidation of its hearing and procedural rules in this rulemaking. The bulk of Sections 1843.20 and 1843.21 are now contained in new Part 1848.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

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- B) Types of small businesses affected: This rulemaking does not affect small businesses.
- C) Reporting, bookkeeping or other procedures required for compliance:
None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1843
STATE ENFORCEMENT

Section	
1843.11	Cessation Orders
1843.12	Notices of Violation
1843.13	Suspension or Revocation of Permits
1843.14	Service of Notices of Violation, Cessation Orders, and Show Cause Orders
1843.15	Informal Public Hearing
1843.16	Formal Review of Citations (Repealed)
1843.17	Temporary Injunctive Relief (Repealed)
1843.18	Inability to Comply
1843.19	Injunctive Relief (Repealed)
1843.20	Intervention (Repealed)
1843.21	Discovery (Repealed)
1843.22	Petitions for Award of Costs and Expenses Under Section 525(e) of the Federal Act

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, P. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 5932; amended at 9 Ill. Reg. 13334, effective October 10, 1985; amended at 11 Ill. Reg. 8536, effective July 1, 1987; amended at 14 Ill. Reg. 11906, effective January 1, 1991; amended at _____ Ill. Reg. _____, effective _____.

Section 1843.12 Notices of Violation

- a) An authorized representative of the Department shall issue a notice of violation if, on the basis of a State inspection carried out during the enforcement of a State program, he or she finds a violation of the Federal Act, the State Act, or 62 Ill. Adm. Code 1700 - 1850 which does not create an imminent danger or harm for which a cessation order must be issued under Section 1843.11.
- b) A notice of violation issued under Section 1843.12 shall be in writing, signed by the authorized representative who issued it, and shall set forth with reasonable specificity:

- 1) The nature of the violation;

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- 2) The remedial action required, which may include interim steps;
- 3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and

- 4) A reasonable description of the portion of the coal exploration or surface coal mining and reclamation operation to which it applies.

- c) An authorized representative of the Department may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued. The total time for abatement under a notice of violation, including all extensions, shall not exceed ninety (90) days from the date of issuance, except upon a showing by the person to whom the notice was issued that, despite extraordinary efforts, it is not possible to abate the violation within ninety (90) calendar days due to one (1) or more of the circumstances in subsection (f). An extended abatement date pursuant to subsection (c) shall not be granted when the failure or inability to abate within ninety (90) days has been caused by a lack of diligence or intentional delay by the person to whom the notice was issued in completing the remedial action required.

- d) If the person to whom the notice was issued fails to meet any time set for abatement or for accomplishment of an interim step, the authorized representative shall issue a cessation order under Section 1843.11(b).

- e) An authorized representative of the Department shall terminate a notice of violation by written notice to the person to whom it was issued, when he determines that all violations listed in the notice of violation have been abated. Termination shall not affect the right of the Department to assess civil penalties for those violations under 62 Ill. Adm. Code 1845.

- f) Circumstances which may qualify a surface coal mining operation for an abatement period of more than ninety (90) days are:

- 1) Where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within ninety (90) days after a valid permit expires or is required, for reasons not within the control of the permittee;

- 2) Where there is a valid judicial or administrative order

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precluding abatement within ninety (90) days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;

- 3) Where the permittee cannot abate within ninety (90) days due to a labor dispute;
- 4) Where climatic conditions preclude abatement within ninety (90) days; or where, due to climatic conditions, abatement within ninety (90) days clearly would cause more environmental harm than it would prevent; or

- 5) Where abatement within ninety (90) days requires action that would violate safety standards established by statute or regulation under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 - 960).

- 6) Where abatement of the violation within ninety (90) days would create an imminent danger to the health or safety of the public or would cause, or could reasonably be expected to cause, significant imminent environmental harm to land, air, or water resources.

- g) Whenever an abatement time in excess of ninety (90) days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.

- h) If any of the conditions in subsection (f) exists, the permittee may request the authorized representative to grant an abatement period exceeding ninety (90) days. The authorized representative shall not grant such an abatement period without the concurrence of the Division Supervisor or his or her designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that he or she is entitled to an extension under the provisions of subsections (c) and (f). In determining whether or not to grant an abatement period exceeding ninety (90) days the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document in the file his or her reasons for granting or denying the request. The inspector's immediate supervisor shall review that document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for his or her concurrence or disapproval in the file.

- i) Any determination made by the Department under subsection (h) shall

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provide for a right of appeal in accordance with Section 1843-16 62 Ill. Adm. Code 1847.4.

- j) No extension granted under subsection (h) may exceed ninety (90) days in length. Where the condition or circumstances which prevented abatement within ninety (90) days exists at the expiration of any such extension, the permittee may request a further extension, in accordance with the procedures of subsection (h).

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1843.13 Suspension or Revocation of Permits

a) Requirements.

- 1) Except as provided in subsection (b), the Department shall issue an order to a permittee requiring him to show cause why his permit and right to mine under the State Act should not be suspended or revoked, if the Department determines that a pattern of violations of any requirements of the Federal Act, the State Act, or 62 Ill. Adm. Code 1700 - 1850 or any permit condition exists or has existed, and that the violations were caused by the permittee willfully or through unwarranted failure to comply with those requirements or conditions. Violations by any person conducting surface coal mining operations on behalf of the permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

- 2) The Department may determine that a pattern of violations exists or has existed, based upon two (2) or more inspections of the permit area within any twelve (12) month period, after considering the circumstances, including:

- A) The number of violations, cited on more than one (1) occasion, of the same or related requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850 or the permit;
- B) The number of violations, cited on more than one (1) occasion of different requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850 or the permit; and
- C) The extent to which the violations were isolated departures from lawful conduct.

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- 3) The Department shall determine that a pattern of violations exists, if it finds that there was at least one (1) violation of the same or related requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850 or the permit during each of at least three (3) State inspections within any twelve (12) month period.

4) Considerations.

- A) In determining the number of violations within any twelve (12) month period, the Department shall consider only violations issued as a result of a State inspection carried out:

- i) During the permanent regulatory program; or
- ii) During the interim regulatory program and before the applicable State program was approved, pursuant to Section 502 or 504 of the Federal Act.

- B) The Department may consider violations issued as a result of inspections other than those mentioned in subsection (a)(4)(A)(i) in determining whether to exercise discretion under subsection (a)(2).

- b) The Department may decline to issue a show cause order, or may vacate an outstanding show cause order, if it finds that, taking into account exceptional factors present in the particular case, it would be demonstrably unjust to issue or to fail to vacate the show cause order. The basis for this finding shall be fully explained and documented in the records of the case.

- c) Whenever a permittee fails to abate a violation contained in a notice of violation or a cessation order within the abatement period set in the notice or order or as subsequently extended, the Supervisor of the Department's Land Reclamation Division shall review the permittee's history of violations to determine whether a pattern of violations exists pursuant to this Section, and shall issue as appropriate an order to show cause, which shall be subject to a hearing under Section 1843-13f 62 Ill. Adm. Code 1847.6.

- d) At the same time as the issuance of the order, the Department shall:

- 1) If practicable, publish notice of the order, including a brief statement of the procedure for intervention in the proceeding, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations; and

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2) Post the notice at the regional, district or field office closest to the area of the surface coal mining and reclamation operation.

e) The permittee shall have thirty (30) days from the completion of service of a show cause order in which to file an answer and request a hearing in accordance with 62 Ill. Adm. Code 1847.6. If the permittee files an answer to the show cause order and requests a hearing, an administrative hearing shall be provided and conducted in accordance with Sections 18 through 15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat., ch. 127, pars. 1010-1015) and Sections 8-07(b) and 8-09 of the State Act. The Department shall give thirty (30) days written notice of the date, time, and place of the hearing to the Office of Surface Mining Reclamation and Enforcement (OSMRE), the permittee, and any intervenor. The Department shall publish the notice, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operation, and shall post it at the Department's office closest to the operation.

i) The hearing officer shall be an attorney licensed in the State of Illinois not employed by the Department.

2) Show cause hearings shall be held at the Department's Springfield, Illinois office.

f) At the request of any party, a prehearing conference shall be scheduled by the hearing officer.

i) To define the factual and legal issues to be litigated at the administrative hearing.

2) To set a discovery schedule for the administrative hearing, in accordance with 62 Ill. Adm. Code 1843.21.

3) To hear oral arguments on any pending motions.

4) To schedule a date for the administrative hearing.

5) To arrive at an equitable settlement of the show cause hearing request, if possible.

g) The hearing shall be conducted under the following conditions:

i) The hearing officer may administer oaths and affirmations; subpoena witnesses and written or printed materials; compel attendance of witnesses or production of those materials;

competent discovery, and take evidence, including, but not limited to, site inspections of the land to be affected and other surface coal mining and reclamation operations carried on by the applicant in the general vicinity of the proposed operations. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1843.21.

2) A verbatim record of the administrative hearing shall be made, and a transcript made available on request of any party or by order of the hearing officer.

3) Ex parte contacts between parties and their representatives, and the hearing officer, are prohibited.

h) Within thirty (30) days after the close of the record, the Department's hearing officer shall issue and serve all parties, by certified mail, a written determination as to whether a pattern of violations exists and, if appropriate, an order suspending or revoking the permit. Permit suspension shall be imposed if the hearing officer determines that this remedy creates less potential harm to the environment and to the health and safety of the public than permit revocation. The hearing officer's decision shall constitute the Department's final administrative decision. Service of this final administrative decision shall be deemed complete upon mailing.

i) Failure to file a timely answer and request for hearing on a show cause order upon which service is deemed complete under Section 1843.14 shall result in the Department's automatic issuance of an order suspending or revoking the permit and the permittee's right to mine.

j) If the Department revokes or suspends the permit and the permittee's right to mine the permittee shall immediately cease surface coal mining operations on the permit area and shall:

1) If the permit and the right to mine are revoked, complete reclamation within the time specified in the order; or

2) If the permit and the right to mine are suspended, complete all affirmative obligations to abate all conditions, practices, or violations, as specified in the order.

k) Judicial review. Following service of the Department's final administrative decision, the permittee may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure (Ill. Rev. Stat., 1985, ch. 110, pars. 3-101 through 3-112).

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(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1843.14 Service of Notices of Violation, Cessation Orders, and Show Cause Orders

- a) A notice of violation, cessation order or show cause order shall be served on the person to whom it is directed or his designated agent promptly after issuance, as follows:

1) By tendering a copy at the coal exploration or surface coal mining and reclamation operation to the designated agent or to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge of the coal exploration or surface coal mining and reclamation operation referred to in the notice or order. If no such individual can be located at the site, a copy may be tendered to any individual at the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be deemed complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

2) As an alternative to subsection (a)(1), service may be made by sending a copy of the notice or order by certified mail to the person to whom it is issued or his designated agent. Service of the notice or order shall be deemed complete upon tender of the mail and shall not be deemed incomplete because of refusal to accept or by hand to the person to whom it is issued or his designated agent, or by any alternative means consistent with the rules governing service of a summons and complaint under Rule 4 of the Federal Rules of Civil Procedure. Service shall be complete upon tender of the notice or order or of the certified mail and shall not be deemed incomplete because of refusal to accept.

- b) The designation of an agent for service of notices and orders shall be made in writing to the Department.

- c) The Department shall furnish copies of the notice or order to any person on request.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1843.15 Informal Public Hearing

- a) Except as provided in subsections (b) and (c), a notice of violation or cessation order which requires cessation of mining,

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expressly or by necessary implication, shall expire within thirty (30) days after it is served unless an informal public hearing, if not waived, has been held within that time. The informal public hearing shall be held at or reasonably close to the mine site so that it may be viewed during the hearing or at any other location acceptable to the Department and the person to whom the notice or order was issued. Expiration of a notice or order shall not affect the Department's right to assess civil penalties with respect to the period of time during which the notice or order was in effect, pursuant to 62 Ill. Adm. Code 1845. For the purposes of Section 1843.15 only, "mining" includes:

- 1) Extracting coal from the earth or from coal waste piles and transporting it within or from the permit area, and
- 2) The processing, cleaning, concentrating, preparing or loading of coal where such operations occur at a place other than at a mine site.

b) A notice of violation or cessation order shall not expire as provided in subsection (a), if the condition, practice or violation in question has not been abated, if the informal public hearing has been waived, or if, with the consent of the person to whom the notice or order was issued, the informal public hearing is held later than thirty (30) days after the notice or order was served. For purposes of this subsection:

- 1) The informal public hearing will be deemed waived if the person to whom the notice or order was issued:

A) Is informed, by written notice served in the manner provided in subsection (b)(2), that he or she will be deemed to have waived an informal public hearing unless he or she requests one within thirty (30) days after service of the notice; and

B) Fails to request an informal public hearing within that time.

- 2) The written notice referred to in subsection (b)(1)(A) shall be delivered to such person by an authorized representative or sent by certified mail to such person no later than five (5) days after the notice or order is served on such person.

- 3) The person to whom the notice or order is issued shall be deemed to have consented to an extension of the time for holding the informal public hearing if his or her request is received on or after the twenty-first (21st) day after service

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of the notice or order. The extension of time shall be equal to the number of days elapsed after the twenty-first (21st) day.

- c) The Department shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to:

- 1) The person to whom the notice or order was issued; and
- 2) Any person who filed a report which led to that notice or order.

- d) The Department shall also post notice of the hearing at the Department's office closest to the mine site, and publish it, where practicable, in a newspaper of general circulation in the area of the mine.

- e) An informal public hearing shall be conducted by a representative of the Department, who may accept oral or written arguments and any other relevant information from any person attending.

- f) Within five (5) days after the close of the informal public hearing, the Department shall affirm, modify, or vacate the notice or order in writing. The decision shall be sent to:

- 1) The person to whom the notice or order was issued; and
- 2) Any person who filed a report which led to the notice or order.

- g) The granting or waiver of an informal public hearing shall not affect the right of any person to formal review under Sections 8.04(b), 8.06(d), or 8.07 of the State Act. At such formal review proceedings, no evidence as to statements made or evidence produced at an informal public hearing shall be introduced as evidence or to impeach a witness.

- h) The person conducting the hearing for the Department shall determine whether or not the mine site should be viewed during the hearing. In making this determination the only consideration shall be whether a review of the mine site will assist the person conducting the hearing in reviewing the appropriateness of the enforcement action or the required remedial action.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1843.16 Formal Review of Citations (Repealed)

- a)---A person issued a notice of violation or cessation order under Section 1843.11 or 1843.12, or a person having an interest which is or may be adversely affected by the issuance, modification, vacation, or termination of a notice or order, may request review of that action by filing an application for review and, if desired, a request for hearing within thirty (30) days after receiving notice of the action. If a hearing is requested, the procedures for this hearing shall conform to 62 Ill. Adm. Code 1845.19. This hearing may be combined with a civil penalty assessment hearing under 62 Ill. Adm. Code 1845.19.

- b)---The filing of an application for review and request for a hearing under Section 1843.16 shall not operate as a stay of any notice or order or of any modification, termination, or vacation of any notice or order.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 1843.17 Temporary Injunctive Relief (Repealed)

- a)---Pending completion of the investigation and hearing required by this Part, the applicant may file with the Department a written request that the Department grant temporary injunctive relief pursuant to Section 8.06(b) and (c) of the State Act from any notice or order issued under this Part, together with a detailed statement giving reasons for granting such relief. The Department shall issue a written order or decision granting or denying such relief. The applicant shall not apply to the courts for temporary injunctive relief until a written order or decision granting or denying such relief is issued by the Department.

- b)---If the applicant requests relief from an order for cessation of mining and reclamation operations issued pursuant to Sections 1843.11 or 1843.12, the order or decision on such a request shall be issued within five (5) days after its receipt. The Department may grant such relief, under such conditions as it may prescribe, if:

- 1) A hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;

- 2) The applicant shows that there is substantial likelihood that the findings of the Department will be favorable to him; and

- 3) Such relief will not adversely affect the health and safety of the public or cause significant, imminent environmental harm

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to land, air, or water resources:

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 1843.20 Intervention (Repealed)

- a) Any person may petition for leave to intervene at any stage of a proceeding under 62 Ill. Adm. Code 1843.
- b) A petitioner for leave to intervene shall incorporate in the petition a statement setting forth the interest of the petitioner and, where required, a showing of why his interest is or may be adversely affected.

- c) The Department or the hearing officer shall grant the petition to intervene where the petitioner:

- i) Had a statutory right to initiate the proceeding in which he wishes to intervene; or
- 2) Has an interest which is or may be adversely affected by the outcome of the proceeding;
- d) If neither subsection (c)(1) nor (c)(2) apply, the hearing officer or the Department shall consider the following in determining whether intervention is appropriate:

- i) The nature of the issues;

- 2) The adequacy of representation of petitioner's interest which is provided by the existing parties to the proceeding;

- 3) The ability of the petitioner to present relevant evidence and argument; and

- 4) The effect of intervention on the agency's implementation of its statutory mandate.

- e) Any person granted leave to intervene in a proceeding may participate in such proceeding as a full party or, if desired, in a capacity less than that of a full party. If an intervenor wishes to participate in a limited capacity, the extent and the terms of the participation shall be at the discretion of the Department.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 1843.21 Discovery (Repealed)

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- a) Discovery methods: Parties may obtain discovery by one or more of the following methods:

- 1) Depositions upon oral examination or upon written questions;
 - 2) Written interrogatories;
 - 3) Production of documents or things or permission to enter upon land or other property, for inspection and other purposes; or
 - 4) Requests for admission.
- b) Time for discovery: Following the initiation of a proceeding, the parties may initiate discovery at any time as long as it does not interfere with the conduct of the hearing.

- c) Scope of discovery:

- 1) Unless otherwise limited by order of the hearing officer in accordance with these rules, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter.

- 2) It is not grounds for objection that information sought will not be admissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

- 3) A party may obtain discovery of documents and tangible things otherwise discoverable under subsection (a) and prepared in anticipation of or for the hearing by or for another party, representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has a substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the hearing officer shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the proceeding.

- 4) Upon motion by a party or the person from whom discovery is

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sought, and for good cause shown, the hearing officer may make any order for which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:-

- A) The discovery may not be had;
- B) The discovery may be had only on specified terms and conditions, including a designation of the time or place;
- C) The discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- B) Certain matters not relevant may not be inquired into, or that the scope of discovery be limited to certain matters;
- E) Discovery be conducted with no one present except persons designated by the hearing officer; or
- F) A trade secret or other confidential research, development, or commercial information may not be disclosed or be disclosed only in a designated way.

d) Sequence and timing of discovery. Unless the hearing officer upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

e) Supplementation of responses. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:-

- i) A party is under a duty to timely supplement his response with respect to any question directly addressed to:-
- A) The identity and location of persons having knowledge of discoverable matters; and
- B) The identity of each person expected to be called as an expert witness at the hearing, the subject matter on which he is expected to testify and the substance of his testimony.
- 2) A party is under a duty to timely amend a prior response if he

later obtains information upon the basis of which:

- A) He knows the response was incorrect when made; or
- B) He knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.
- 3) A duty to supplement responses may be imposed by order of the hearing officer or agreement of the parties.

f) Motion to compel discovery.

- i) If a deponent fails to answer a question propounded, or a party upon whom a request is made pursuant to subsection (k), or a party upon whom answers to interrogatories are served fails to adequately respond or objects to the request, or any part thereof, or fails to permit inspection as requested, the discovering party may move the hearing officer for an order compelling a response or inspection in accordance with the request.

2) The motion shall set forth:-

- A) The nature of the questions or request;
- B) The response or objection of the party upon whom the request was served; and

C) Arguments in support of the motion.

3) For purposes of subsection (f), an evasive answer or incomplete answer or response shall be treated as a failure to answer or respond.

4) In ruling on a motion made pursuant to subsection (f), the hearing officer may issue a protective order, if authorized pursuant to subsection (c)(4).

g) Failure to comply with orders compelling discovery. If a party or an officer, director, or other agent of a party fails to obey an order to provide or permit discovery, the hearing officer before whom the action is pending may make such orders in regard to the failure as are just, including but not limited to the following:-

- i) An order that the matters sought to be discovered or any other designated facts shall be taken to be established for the

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purposes of the action in accordance with the claim of the party obtaining the order.

2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters into evidence, or -

3) An order striking pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any party thereof, or rendering a judgment by default against the disobedient party.

h) Depositions upon oral examination or upon written questions.

i) Any party desiring to take the testimony of any other party or other person by deposition upon oral examination shall, without leave of the hearing officer, give reasonable notice in writing to every other party to the person to be examined and to the hearing officer, of:

A) The proposed time and place of taking the deposition;

B) The name and address of each person to be examined, if known, or if the name is not known, a general description sufficient to identify him or the particular group or class to which he belongs;

C) The matter upon which each person will be examined; and

D) The name or descriptive title and address of the officer before whom the deposition is to be taken.

2) A deposition upon oral examination may be taken before any officer authorized to administer oaths by the laws of Illinois.

3) The actual taking of the deposition upon oral examination shall proceed as follows:

A) The deposition shall be on the record;

B) The officer before whom the deposition is to be taken shall put the witness under oath or affirmation;

C) Examination and cross examination shall proceed as at a hearing;

D) All objections made at the time of the examination shall

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be noted by the officer upon the deposition; and

E) The officer shall not rule on objections to the evidence, but evidence objected to shall be taken subject to the objections.

4) When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signature, unless examination and signature is waived by the deponent. The officer shall certify the deposition or, if the deposition is not signed by the deponent, shall certify the reasons for the failure to sign.

5) Where the deposition is to be taken upon written questions, the party taking the deposition shall serve a copy of the questions, showing each question separately and consecutively numbered, on every other party with a notice stating the name and address of the person who is to answer them, and the name, description, title, and address of the officer before whom they are to be taken. Within thirty (30) days after service, any other party may serve cross questions. The questions, cross questions, and answers shall be recorded and signed, and the deposition certified, as in the case of a deposition on oral examination.

6) A deposition will not become a part of the record in the hearing unless received in evidence. If only part of a deposition is offered in evidence by a party, any other party may introduce any other parts.

7) The deponent may be accompanied, represented, and advised by legal counsel.

i) Use of depositions. At the hearing, any part or all of a deposition, so far as admissible, may be used against any party who was present or represented at the taking of the deposition, or who had reasonable notice thereof, in accordance with any of the following provisions:

1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of a deponent as a witness;

2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent or a person designated to testify on behalf of a public or private corporation, partnership, or association, or governmental agency which is a party may be used by an adverse

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PARTY FOR ANY PURPOSE OR

3) The deposition of a witness, whether or not a party, may be used by a party for any purpose if the hearing officer finds that:

A) The witness is dead;

B) The witness is at a distance greater than one hundred (100) miles from the place of hearing, or is outside the State of Illinois, unless it appears that the absence of the witness was procured by the party offering the deposition;

C) The witness is unable to attend or testify because of age, illness, infirmity, or imprisonment;

D) The party offering the deposition has been unable to procure the attendance of the witness by subpoena; or

E) Such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at the hearing, to allow the deposition to be used.

j) Written interrogatories to parties:

1) Any party may serve upon any other party written interrogatories to be answered in writing by the party served, or if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories, answers, and all related pleadings shall be served on the hearing officer and upon all parties to the proceeding.

2) Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers and objections shall be signed by the person making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within thirty (30) days after service of the interrogatories, or within such shorter or longer period as the hearing officer may allow.

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3) Interrogatories may relate to any matters which can be inquired into under subsection (c). An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the hearing officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time.

k) Production of documents and things and entry upon land for inspection and other purposes.

1) Any party may serve on any other party a request to:

A) Produce and permit the party making the request, or a person acting on his behalf, to inspect and copy any designated documents, or to inspect and copy, test, or sample any tangible things within the scope of subsection (c) and which are in the possession, custody, or control of the party upon whom the request is served; or

B) Permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property (including the air, water, and soil) or any designated object or operation thereon, within the scope of subsection (c).

2) The request may be served on any party without leave of the hearing officer.

3) The request shall:

A) Set forth the items to be inspected either by individual item or by category;

B) Describe each item or category with reasonable particularity; and

C) Specify a reasonable time, place, and manner of making the inspection and performing the related acts.

4) The party upon whom the request is served shall serve on the party submitting the request a written response within thirty (30) days after service of the request.

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5)---The response shall state, with respect to each item or category:-

A)---That inspection and related activities will be permitted as requested or-

B)---That objection is made in whole or in part, in which case the reasons for objection shall be stated:-

1)---Admissions:-

1)---A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the genuineness and authenticity or any relevant document described in or attached to the request, or for the admission of the truth of any specified relevant matter of fact:-

2)---Each matter of which an admission is requested is admitted unless, within thirty (30) days after service of the request or such shorter or longer time as the hearing officer may allow, the party to whom the request is directed serves on the requesting party:-

A)---A sworn statement denying specifically the relevant matters of which an admission is requested;-

B)---A sworn statement setting forth in detail the reasons why he can neither truthfully admit nor deny them; or-

C)---Written objections on the grounds that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part:-

3)---An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny:-

4)---The party who has requested the admissions may move to determine the sufficiency of the answer or objection. Unless the hearing officer determines that an objection is justified, he shall order that an answer be served. If the hearing officer determines that an answer does not comply with the requirement of subsection (1), he may order either that the matter is admitted or that an amended answer be served. The hearing officer may, in lieu of these orders, determine that final disposition of the request be made at a prehearing

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conference or at a designated time prior to hearing:-

5)---Any matter admitted under this subsection (1) is conclusively established unless the hearing officer on motion permits withdrawal or amendment of the admission:-

6)---Any admission made by a party under subsection (1) is for the purpose of the pending action only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding:-

(Source: Repealed at Ill. Reg. _____, effective _____)

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1) The Heading of the Part: State Processes for Designating Areas
Unsuitable for Surface Coal Mining Operations

2) Code Citation: 62 Ill. Adm. Code 1764

3) Section Number:
1764.19
Proposed Action:
Amended

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977
(30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and
Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et
seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified
rules that must be amended in order to more effectively carry out
Illinois' responsibilities under the Surface Coal Mining Land
Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2,
pars. 7901.01 et seq.

Section 1764.19(d) is proposed to be amended in order to reflect the
Department's reorganization of its hearing rules in this rulemaking.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will
have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this
proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to
a specific subsection and must be made on a separate sheet of 8 1/2 x 11

inch paper.

Comments may include data, views, arguments or any documents relevant to
the proposals noted above in the Description of Subjects and Issues
involved. All comments are due at the above address no later than
5:00 p.m. on August 28, 1992. Comments received thereafter will
not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the
Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not
affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1764

STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE
FOR SURFACE COAL MINING OPERATIONS

Section

- 1764.11 General Process Requirements
- 1764.13 Petitions
- 1764.15 Initial Processing, Recordkeeping, and Notification Requirements
- 1764.17 Hearing Requirements
- 1764.19 Decision
- 1764.21 Data Base and Inventory System Requirements
- 1764.23 Public Information
- 1764.25 Regulatory Authority Responsibility for Implementation

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8510; amended at 11 Ill. Reg. 8567, effective July 1, 1987; amended at ____ Ill. Reg. ____, effective ____.

Section 1764.19 Decision

- a) In reaching its decision, the Department shall use:
- 1) The information contained in the data base and inventory system;
 - 2) Information provided by other governmental agencies;
 - 3) The Land Report prepared under Section 1764.15(c); and
 - 4) Any other relevant information submitted during the comment period.
- b) The Department may decide to designate the petitioned land areas in whole or in part, not to designate the petitioned land areas, or to place conditions on future operations in all or part of the petitioned area which would successfully mitigate the impacts of such operations.
- c) A final written decision shall be issued by the Department, including a statement of reasons, within sixty (60) days of

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completion of the public hearing, or, if no public hearing is held, then within twelve (12) months after receipt of the complete petition. The Department shall simultaneously send this final administrative decision by certified mail to the petitioner and intervenors and by regular mail to all other persons involved in the proceeding.

- d) The final administrative decision of the Department with respect to a petition, or the failure of the Department to act within the time limits set forth in this Section, shall be subject to judicial review by a court of competent jurisdiction in accordance with State law under Section 8.10 of the State Act and 62 Ill. Adm. Code 1775-43 1847.3(g). All relevant portions of the data base, inventory system, and public comments received during the public comment period set by the Department shall be considered and included in the record of the administrative proceeding.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Surface Mining Permit Applications--Minimum Requirements for Information on Environmental Resources
- 2) Code Citation: 62 Ill. Adm. Code 1779
- 3) Section Number:
1779.19
Proposed Action:
Amended
- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).
- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1779.19 sets forth requirements for vegetation information which must be included in the permit application. A comma is being added in subsection (b) and the regulation citation is being corrected.

- 56) Will this proposed rule replace an emergency rule currently in effect?
No
- 77) Does this rulemaking contain an automatic repeal date? No
- 88) Do these proposed amendments contain incorporations by reference? No
- 99) Are there any other amendments pending on this Part? No
- 1010) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.
- 1111) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Comments must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- | | | |
|----|--|--|
| A) | <u>Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:</u> | <u>June 25, 1992</u> |
| B) | <u>Types of small businesses affected:</u> | <u>This rulemaking does not affect small businesses.</u> |
| C) | <u>Reporting, bookkeeping or other procedures required for compliance:</u> | <u>None</u> |
| D) | <u>Types of professional skills necessary for compliance:</u> | <u>None</u> |

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1779

SURFACE MINING PERMIT APPLICATIONS - MINIMUM REQUIREMENTS
FOR INFORMATION ON ENVIRONMENTAL RESOURCES

- Section 1779.4 Responsibilities
- 1779.5 Use of Existing Data
- 1779.6 Use of Expert Opinion
- 1779.7 Seasonal Water Quality Data (Repealed)
- 1779.11 General Requirements
- 1779.12 General Environmental Resources Information
- 1779.13 Description of Hydrology and Geology: General Requirements (Repealed)
- 1779.14 Geology Description (Repealed)
- 1779.15 Ground Water Information (Repealed)
- 1779.16 Surface Water Information (Repealed)
- 1779.17 Alternative Water Supply Information (Repealed)
- 1779.19 Vegetation Information
- 1779.20 Fish and Wildlife Resources Information (Repealed)
- 1779.21 Soil Resources Information
- 1779.22 Land Use Information
- 1779.24 Maps: General Requirements
- 1779.25 Cross Sections, Maps and Plans
- 1779.27 Prime Farmland Investigation (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1987 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 10013; amended at 11 Ill. Reg. 8585, effective July 1, 1987; amended at 14 Ill. Reg. 11924, effective January 1, 1991; amended at ____ Ill. Reg. ____, effective ____.

Section 1779.19 Vegetation Information

- a) The permit application shall contain a map that delineates existing vegetative types and a description of the plant communities within the proposed permit area and within any proposed reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.
- b) When a map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as

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important habitat for fish and wildlife for those species of fish and wildlife identified under Section 1779-20 62 Ill. Adm. Code 1780.16.

(Source: Amended at ____ Ill. Reg. ____, effective ____.)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Surface Mining Permit Application--Minimum Requirements for Reclamation and Operation Plan

2) Code Citation: 62 Ill. Adm. Code 1780

3) Section Number: Proposed Action:

1780.21 Amended
1780.33 Amended
1780.38 Repealed

- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act (State Act). Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1780.21 sets forth hydrologic information requirements. Subsections (b)(1)(A) and (B) are proposed to be amended in order to enable the Department to require additional information necessary to implement groundwater quality regulations at 35 Ill. Adm. Code 620.

Section 1780.33 sets forth requirements for the relocation or use of public roads. A clerical error is being corrected in the first paragraph.

Section 1780.38 is proposed to be repealed in order to be consistent with federal regulations.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1780

SURFACE MINING PERMIT APPLICATION--MINIMUM
REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section	Responsibilities
1780.4	Use of Existing Data
1780.5	Use of Expert Opinion
1780.6	Operation Plan: General Requirements
1780.11	Operation Plan: Existing Structures
1780.12	Operation Plan: Blasting
1780.13	Operation Plan: Maps and Plans
1780.14	Air Pollution Control Plan
1780.15	Fish and Wildlife Plan
1780.16	Reclamation Plan: General Requirements
1780.18	Hydrologic Information
1780.21	Geologic Information
1780.22	Reclamation Plan: Post-mining Land Uses
1780.23	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1780.25	Reclamation Plan: Surface Mining Near Underground Mining
1780.27	Diversions
1780.29	Protection of Public Parks and Historic Places
1780.31	Relocation or Use of Public Roads
1780.33	Disposal of Excess Spoil
1780.35	Transportation Facilities
1780.37	Rehabilitation of Siltation Structures, Diversions, Impoundments
1780.38	and Treatment Facilities (Repealed)
1780.39	Support Facilities

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8511; amended at 11 Ill. Reg. 8602, effective July 1, 1987; amended at 14 Ill. Reg. 11911, effective January 1, 1991; amended at 15 Ill. Reg. 17294, effective January 1, 1992; amended at ____ Ill. Reg. ____, effective ____.

Section 1780.21 Hydrologic Information

- a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th edition of "Standard Methods for the Examination of Water and Wastewater," (1980) which is incorporated by reference, or the

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methodology in 40 CFR 136 and 434. Water quality sampling performed to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW., Washington D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Department of Mines and Minerals, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

- b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.

- 1) Ground water information. The location and ownership for the permit and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.

- A) Ground water quality descriptions shall include, at a minimum, of six (6) analyses over a period of one (1) year. Such analyses shall include, but not be limited to pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

- B) Ground water quantity descriptions shall include, at a minimum, approximate rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing stratum which may be potentially impacted below the coal to be mined.

- 2) Surface water information. The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity sufficient to demonstrate seasonal variation and water usage.

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- A) Water quality descriptions shall include, at a minimum, baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface water points being monitored.
- B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.
- 3) If the determination of probable hydrologic consequences required by subsection (f) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (1) and (2) shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.

c) Baseline cumulative impact area information.

- 1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (g) shall be provided to the Department, if available from appropriate Federal or State agencies.
- 2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.
- 3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.
- d) The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application if such techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be

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required by the Department for the purposes of calibration of such models for each site even when such techniques are used.

- e) If the determination of probable hydrologic consequences required in subsection (f) indicates that the proposed mining operation may proximately result in the contamination, diminution, or interruption of an underground or surface water source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial, or other legitimate purpose, then the application shall contain information on water availability and alternative water sources, including the suitability of the alternate water source for existing premining uses and approved post-mining land uses.
- f) Determination of the probable hydrologic consequences (PHC).

- 1) The application shall contain a determination of the probable hydrologic consequences of the proposed surface mining activities, on the proposed permit area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences.

- 2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

- 3) The PHC determination shall include findings on:

- A) Whether adverse impacts may occur to the hydrologic balance;
- B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface or ground water supplies;
- C) Whether the proposed operation may proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial, or other legitimate purposes such as recreational and fish and wildlife uses; and

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- D) What impact the proposed operation will have on:
- sediment yield from the disturbed area;
 - acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;
 - flooding or stream-flow alteration;
 - ground water and surface water availability; and
 - other characteristics as required by the Department, based upon public comment, Interagency Committee comment, and the Department's technical review.
- 4) An application for permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.
- g) Cumulative hydrologic impact assessment.
- The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall allow the submittal of data and analyses by the permittee in accordance with subsection (c).
 - An application for a permit revision shall be reviewed by the Department to determine whether a new or updated assessment shall be required.

h) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1816.41 through 1816.43 will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation through bond release to minimize disturbances to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; to meet the applicable Federal and State water quality laws and regulations and to protect the rights of present water users. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible using the best

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technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity and protect or replace rights of present water users. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (f) and shall include preventative and remedial measures.

i) Ground water monitoring plan.

- The application shall include a ground water monitoring plan based upon the determination of probable hydrologic consequences required under subsection (f) and the analyses of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set forth in subsection (h). It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance.

- If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

j) Surface water monitoring plan

- The application shall include a surface water monitoring plan

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based upon the determination of probable hydrologic consequences required in subsection (f) and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance set forth in subsection (h) and the effluent limitations in 40 CFR 434.

2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at upstream monitoring locations pH, total dissolved solids, total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.

B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).

3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three (3) months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1780.33 Relocation or Use of Public Roads

Each application shall describe, with appropriate maps and cross-sections, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under 62 Ill. Adm. Code 1761.12(d), the applicant seeks to have the Department approve:

- a) Conducting the proposed surface mining activities within one hundred (100) feet of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way; or
- b) Relocating a public road, after approval by local officials or State government.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1780.38 Rehabilitation of Siltation Structures, Diversions, Impoundments and Treatment Facilities (Repealed)

Each application shall contain a detailed rehabilitation design plan for each siltation structure, diversion, impoundment and treatment facility to be implemented and completed prior to abandoning the permit area. Departures from detailed design plans required elsewhere in this Part shall be set out with specificity and supporting documentation.

(Source: Repealed at ___ Ill. Reg. ___, effective ___)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Underground Mining Permit Applications--Minimum Requirements for Information on Environmental Resources

2) Code Citation: 62 Ill. 'Adm. Code 1783

3) Section Number: 1783.19
Proposed Action:
Amended

4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).

5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act. Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1783.19 sets forth requirements for vegetation information which must be included in the permit application. The proposed amendment to subsection (b) corrects the regulation citation.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Written comments regarding this proposal should be sent to:

Karen Jacobs, Legal Counsel
Illinois Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10137
Springfield, IL 62791-0137

DEPARTMENT OF MINES AND MINERALS

NOTICE OF PROPOSED AMENDMENT(S)

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at this above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992

B) Types of small businesses affected: This rulemaking does not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 62: MINING

CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1783

UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

- Section 1783.4 Responsibilities
- 1783.5 Use of Existing Data
- 1783.6 Use of Expert Opinion
- 1783.7 Seasonal Water Quality Data (Repealed)
- 1783.11 General Requirements
- 1783.12 General Environmental Resources Information
- 1783.13 Description of Hydrology and Geology: General Requirements (Repealed)
- 1783.14 Geology Description (Repealed)
- 1783.15 Ground Water Information (Repealed)
- 1783.16 Surface Water Information (Repealed)
- 1783.19 Vegetation Information
- 1783.20 Fish and Wildlife Resources Information (Repealed)
- 1783.21 Soil Resources Information
- 1783.22 Land Use Information
- 1783.24 Maps: General Requirements
- 1783.25 Cross-Sections, Maps, and Plans
- 1783.27 Prime Farmland Investigation (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1967 1991, ch. 96 1/2, pars. 7902.01, 7902.02 and 7909.01).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4937; amended at 11 Ill. Reg. 8632, effective July 1, 1987; amended at 14 Ill. Reg. 11929, effective January 1, 1991; amended at ___ Ill. Reg. ___, effective

Section 1783.19 Vegetation Information

- a) The permit application shall, if required by the Department, contain a map that delineates existing vegetative types and a description of the plant communities within the area affected by surface operations and facilities and within any proposed surface reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.
- b) When a map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as

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important habitat for fish and wildlife identified under Section 1783-20 62 Ill. Adm. Code 1784.21.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Underground Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan
- 2) Code Citation: 62 Ill. Adm. Code 1784
- 3) Section Number:

<u>Proposed Action:</u>
1784.14 Amended
1784.18 Amended
1784.27 Repealed
- 4) Statutory Authority: Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.).
- 5) A complete description of the subjects and issues involved:

The Illinois Department of Mines and Minerals (Department) has identified rules that must be amended in order to more effectively carry out Illinois' responsibilities under the Surface Coal Mining Land Conservation and Reclamation Act (State Act). Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.

Section 1784.14 sets forth hydrologic information requirements. Subsections (b)(1)(A) and (B) are proposed to be amended in order to enable the Department to require additional information necessary to implement groundwater quality regulations at 35 Ill. Adm. Code 620.

Section 1784.18 sets forth requirements for the relocation or use of public roads. A clerical error is being corrected in the first paragraph.

Section 1784.27 is proposed to be repealed in order to consistent with federal regulations.
- 6) Will this proposed rule replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

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- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
Written comments regarding this proposal should be sent to:
 Karen Jacobs, Legal Counsel
 Illinois Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10137
 Springfield, IL 62791-0137

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 pm on August 28, 1992. Comments received thereafter will not be considered in this rulemaking.

 12) Initial Regulatory Flexibility Analysis:
 A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 25, 1992
 B) Types of small businesses affected: This rulemaking does not affect small businesses.
 C) Reporting, bookkeeping or other procedures required for compliance: None
 D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1784

UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section	Responsibilities
1784.4	Use of Existing Data
1784.5	Use of Expert Opinion
1784.6	Operation Plan: General Requirements
1784.11	Operation Plan: Existing Structures
1784.12	Reclamation Plan: General Requirements
1784.13	Hydrologic Information
1784.14	Reclamation Plan: Post-mining Land Uses
1784.15	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1784.16	Protection of Public Parks and Historic Places
1784.17	Relocation or Use of Public Roads
1784.18	Underground Development Waste
1784.19	Subsidence Control Plan
1784.20	Fish and Wildlife Plan
1784.21	Geologic Information
1784.22	Operation Plan: Maps and Plans
1784.23	Transportation Facilities
1784.24	Return of Coal Processing Waste to Abandoned Underground Workings
1784.25	Air Pollution Control Plan
1784.26	Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities <u>(Repealed)</u>
1784.27	Diversions
1784.29	Support Facilities
1784.30	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, pars. 7901.01 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9350; amended at 11 Ill. Reg. 8652, effective July 1, 1987; amended at 14 Ill. Reg. 11935, effective January 1, 1991; amended at 15 Ill. Reg. 17301, effective January 1, 1992; amended at _____, effective _____.

Section 1784.14 Hydrologic Information

- a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th edition of "Standard Methods for the Examination of Water and Wastewater," (1980) which is incorporated by reference, or the

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methodology in 40 CFR 136 and 434. Water quality sampling performed to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW., Washington D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Department of Mines and Minerals, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

- b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.

- 1) Ground water information. The location and ownership for the permit and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.

- A) Ground water quality descriptions shall include, at a minimum, of six (6) analyses over a period of one (1) year. Such analyses shall include, but not be limited to pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

- B) Ground water quantity descriptions shall include, at a minimum, approximate rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing stratum which may be potentially impacted below the coal to be mined.

- 2) Surface water information. The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity

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sufficient to demonstrate seasonal variation and water usage.

A) Water quality descriptions shall include, at a minimum, baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface water points being monitored.

B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.

3) If the determination of probable hydrologic consequences required by subsection (e) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (1) and (2) shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.

c) Baseline cumulative impact area information.

1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (f) shall be provided to the Department, if available from appropriate Federal or State agencies.

2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.

3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.

d) The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application if

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such techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be required by the Department for the purposes of calibration of such models for each site even when such techniques are used.

e) Determination of the probable hydrologic consequences (PHC).

1) The application shall contain a determination of the probable hydrologic consequences of the proposed operation on the proposed permit area, shadow area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences on a site-specific basis.

2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

3) The PHC determination shall include findings on:

A) Whether adverse impacts may occur to the hydrologic balance;

B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface-or ground-water supplies; and

C) What impact the proposed operation will have on:

i) sediment yield from the disturbed areas;

ii) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;

iii) flooding or stream-flow alteration;

iv) ground-water and surface-water availability; and

v) other characteristics as required by the Department, based upon public comment, Interagency Committee comment and the Department's technical review.

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4) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.

f) Cumulative hydrologic impact assessment.

1) The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall allow the submittal of data and analyses by the permittee in accordance with subsection (c).

2) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated assessment shall be required.

g) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1817, including 62 Ill. Adm. Code 1817.41 through 1817.43, will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation, through bond release, to minimize disturbances to the hydrologic balance within the permit, shadow, and adjacent areas; to prevent material damage outside the permit area; to meet the applicable Federal and State water quality laws and regulations. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (e) and shall include preventative and remedial measures.

h) Ground water monitoring plan.

1) The application shall include a ground water monitoring plan based upon the determination of probable hydrologic consequences required under subsection (e) and the analyses of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set

forth in subsection (g). It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance.

2) If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

i) Surface water monitoring plan.

1) The application shall include a surface water monitoring plan based upon the determination of probable hydrologic consequences required in subsection (e) and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance as set forth in subsection (g), and to the effluent limitations in 40 CFR 434.

2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are

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potentially impacted or into which water will be discharged and at upstream monitoring locations, pH, total dissolved solids, total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.

B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).

3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three (3) months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1784.18 Relocation or Use of Public Roads

Each application shall describe, with appropriate maps and cross sections, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under 62 Ill. Adm. Code 1761.12(dc), the applicant seeks to have the Department approve:

a) Conducting the proposed surface activities of an underground mining operation within one hundred (100) feet measured horizontally of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way; or

b) Relocating a public road, subject to State or local government approval.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1784.27 Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities (Repealed)

Each application shall contain a detailed rehabilitation design plan for each siltation structure, diversion, impoundment, and treatment facility to be implemented and completed prior to abandoning the permit area. Departures

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from detailed design plans required elsewhere in this Part shall be set out with specificity and supporting documentation.

(Source: Repealed at ___ Ill. Reg. ___, effective ___)

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1270

3) Section Numbers: Proposed Action:
1270.20 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 3256, 3261 and 3262.

5) A Complete Description of the Subjects and Issues Involved:

The National Council of Examiners for Engineering and Surveying (NCEES) has eliminated the Public Domain Examination for land surveyors and has incorporated the questions into the 6-hour Principles and Practice of Land Surveying Examination. This rulemaking specifies that applicants who have not passed the Public Domain Examination shall be required to take and pass the 6-hour Principles and Practice of Land Surveying Examination--even if they had passed the 4-hour Principles and Practice of Land Surveying Examination previously administered concurrently with the Public Domain Examination.

6) Will these proposed amendments replace an emergency Rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed Rules pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 23, 1992.

B) Types of small businesses affected: Businesses which employ licensed land surveyors.

C) Reporting, bookkeeping or other procedures required for compliance:

Applicants for licensure as professional land surveyors will be required to take and pass the specified examinations.

D) Types of professional skills necessary for compliance:

Land surveying skills are necessary for licensure.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1270
ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

Section 1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Applications for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Discrimination (Repealed)
1270.45	Corporations and Partnerships
1270.45	Restoration
1270.50	Renewals
1270.60	Granting Variances

AUTHORITY: Implementing the Illinois Land Surveyors Act (Ill.Rev.Stat.1991, ch. 111, par. 3201 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill.Rev.Stat.1991, ch. 127, par. 60(7)).

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill. Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. _____ effective _____.

Section 1270.20 Examinations

- a) An applicant for licensure as a Professional Land Surveyor-in-Training shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- b) An applicant for licensure as a Professional Land Surveyor who is licensed as a Professional Land Surveyor-in-Training shall pass the following examinations:

- 1) NCEES Principles and Practice of Land Surveying Examination; and
- 2) ~~NCEES--Public--Domain--(Jurisdictional--Principles--and--Practice) examination; and~~

- 2) Illinois Jurisdictional Examination.

- c) An applicant for licensure as a Professional Land Surveyor who had originally applied prior to January 1, 1986, who is not licensed as a Professional Land Surveyor-in-Training shall pass the following examinations:

- 1) NCEES Fundamentals of Land Surveying Examination;
- 2) NCEES Principles and Practice of Land Surveying Examination; and
- 3) ~~NCEES--Public--Domain--(Jurisdictional--Principles--and--Practice) examination; and~~
- 3) Illinois Jurisdictional Examination.

- d) Any applicant for licensure as a Professional Land Surveyor who did not pass the NCEES Public Domain examination before it became part of the NCEES Principles and Practice of Land Surveying Examination, effective May 1, 1992, shall be required to take and pass the 6-hour Principles and Practice of Land Surveying Examination, even if he/she had passed the 4-hour Principles and Practice Examination previously administered concurrently with the Public Domain exam.

- e) In order to pass the examination(s) an applicant shall achieve the following:

- 1) a score of 70 or greater on the NCEES Fundamentals of Land Surveying Examination;
- 2) a score of 70 or greater on the NCEES Principles and Practice of Land Surveying Examination; and
- 3) ~~a score of 70 or greater on the NCEES--Public--Domain--(Jurisdictional Principles and Practice) examination; and~~
- 4) a score of 70 or greater on the Illinois Jurisdictional Examination.

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2) The Illinois Jurisdictional Examination shall include, but not be limited to, the following areas:

- 1) Local History;
- 2) Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);
- 3) Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);
- 4) Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and
- 5) Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).

g) The Department shall not use any of the subject area scores from the parts of previous state constructed examinations for the purpose of deriving the required passing score for any examination required by this Section.

h) Retake of examination.

- 1) Applicants who obtain a score of less than 70 on either the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination, the NCEES-Public Domain Jurisdictional Principles and Practice examination, or the Illinois Jurisdictional examination will be required to retake only the examination(s) failed.

2) If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a new application for examination, accompanied by the required fee (Section 11 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application with the exception provided in subsection (3).

- 3) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Number: Proposed Action:

148.80 Amendment

4) Statutory Authority: Sections 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-13)

5) Complete Description of the Subjects and Issues Involved: Amendments are being proposed to Section 148.80, regarding pancreas transplant services. Currently, the Department covers organ transplant services for bone marrow, heart and liver transplantation.

Criteria have been developed which must be met by a hospital in order to be certified as a transplant center providing pancreas transplant services. These criteria were developed in response to the need of a public assistance recipient for a pancreas transplant, and with the assistance of the State Medical Advisory Committee. The Department will cover the costs of pancreas transplants in a hospital which meets the Department's requirements for certification, annual certification renewal, and the annual survival rates proposed in these amendments.

The aggregate annual budgetary effect on the Department, resulting from these proposed amendments is unknown. However, the budgetary effect is expected to be minimal since only one hospital currently qualifies for pancreas transplant certification.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section	Proposed Action	Illinois Register Citation
148.140	Amendment	January 31, 1992 (16 Ill. Reg. 1786)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 24, 1992
- B) Types of small businesses affected: Hospitals
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 11337.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part:

Drinking Water Systems Code

2) Code Citation:

77 Ill. Adm. Code 900

3) Section Numbers:

900.10
900.30
900.40
900.50
900.60
900.65
900.70
900. Table E
900. Table F
900. Table G
900. Table H
900. Table I
Exhibit A
Exhibit B
Exhibit C
Exhibit D

Proposed Action:

Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority:

Illinois Groundwater Protection Act
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7459 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Section 900.10. Terms that are newly used in this rulemaking are defined.

Section 900.30. A USEPA requirement for reporting waterborne disease outbreaks has been added.

Section 900.40. The description of slow sand filtration is clarified. A provision implementing a USEPA requirement is added to specify that all non-community public water supplies which use and treat surface water must increase the disinfectant level in designated parts of the system. Also, such non-community public water supplies must check and record water disinfectant levels daily.

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Section 900.50. The amendment establishes maximum contaminant levels and monitoring requirements for inorganic chemicals including lead and copper. These amendments have been mandated by U.S.E.P.A.

Section 900.60. This amendment requires non-community public water supplies which use surface water to monitor for turbidity on a daily basis. This requirement is mandated by U.S.E.P.A.

Section 900.65. The amendment establishes maximum contaminant levels and monitoring requirements for organic chemicals which were not previously regulated by the Department. This requirement is mandated by the U.S.E.P.A.

Section 900.70. The amendment requires non-community public water supplies to resample when coliform bacteria is found in any sample and requires four check samples. In addition, new USEPA requirements are added which stipulate when the laboratory samples are to be considered invalid.

6) Will this Rulemaking Replace an Emergency Rule Currently In Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

The U.S.E.P.A. will require non-transient, non-community public water supplies to monitor for 38 contaminants and lead and copper. The Department must adopt U.S.E.P.A. rules in order to perform the Federal

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Safe Drinking Water Program and for Illinois to receive its share of the federal grant. The Department must assure that these supplies sample for these chemicals and that the Department's laboratory has the capability to perform a portion of these analyses.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Businesses using their own water supply and serving water to 25 or more persons per day.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance: Quarterly reporting of chemical analyses.

D) Types of Professional Skills Necessary for Compliance:

Requires employing a private laboratory to perform analyses for the chemicals required.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 900
DRINKING WATER SYSTEMS CODE

Section	Definitions
900.10	Incorporated Materials
900.15	General Requirements
900.20	Special Requirements
900.30	Water System Design
900.40	Inorganic Chemicals
900.50	Turbidity
900.60	Organic Chemicals
900.65	Microbiological
900.70	Public Notification
900.80	Record Maintenance and Reporting
900.90	Variances and Exemptions
900.100	Sources of Pollution in Location to Wells and/or Finished Water Storage Facilities
900.TABLE A	Design Capacity for a Non/Community Public Water System
900.TABLE B	Pressure Factors
900.TABLE C	Coliform Sampling Frequency According to Population Served
900.TABLE D	Lead and Copper Sampling Frequency-Requirements for First Year of Sampling
900.TABLE E	Lead and Copper Sampling Frequency-Requirements After First Year of Sampling
900.TABLE F	Water Quality Sampling Requirements
900.TABLE G	Water Quality Sampling Requirements-Reduced Sampling
900.TABLE H	Table of Factors to be Used in Saturation Index Calculations
900.TABLE I	Values of A Based Upon Total Solids
Exhibit A	Values of B Based Upon Water Temperature
Exhibit B	Values of C Based Upon Calcium Hardness Expressed as CaCO ₃
Exhibit C	Values of D Based Upon Alkalinity Expressed as CaCO ₃

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7459) and Sections 2 and 7 of "AN ACT in relation to Public Health." (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 22 and 24).

SOURCE: Adopted at 6 Ill. Reg. 2215, effective February 3, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 3301, effective March 2, 1984; amended at 9 Ill. Reg. 9139, effective June 3, 1985; amended at 13 Ill. Reg. 12578, effective August 1, 1989, amended at 14 Ill. Reg. 14844, effective September 1, 1990, amended at 16 Ill. Reg. _____, effective _____.

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NOTE: Capitalization denotes statutory language.

Section 900.10 Definitions

"Applicant" means any person making application for a permit to construct or alter a public water system.

"Cistern" means a source of water supply developed by intercepting rainfall with roof surfaces.

"Confluent Growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

"CI" means the product of the chlorine residual and chlorine contact time at the point of treatment required for 99.9 percent or 3-log inactivation of *Giardia lamblia* cysts.

"Department" means the Illinois Department of Public Health.

"Filtration" means a process for removing particulate matter from water by passing through porous media.

"First Draw Sample" means a one-liter sample of tap water that has been standing in plumbing pipes at least 6 hours and is collected without flushing the tap.

"Groundwater Under the Influence" means surface water or water obtained from a well or a collector which is not in compliance with the Illinois Water Well Construction Code.

"Maximum Contaminant Level" means the maximum permissible level of contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user are excluded from this definition.

"Non-Transient Non-Community System" means a non-community water system which regularly serves the same 25 or more persons at least 6 months a year.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an

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assumed name, county, municipality, the State of Illinois or any political subdivision or department thereof, or any other entity.

"POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION WHICH:

IS UTILIZED FOR THE TREATMENT, STORAGE, OR DISPOSAL OF ANY HAZARDOUS OR SPECIAL WASTE NOT GENERATED AT THE SITE; OR

IS UTILIZED FOR THE DISPOSAL OF MUNICIPAL WASTE NOT GENERATED AT THE SITE, OTHER THAN LANDSCAPE WASTE AND CONSTRUCTION AND DEMOLITION DEBRIS; OR

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, SURFACE IMPOUNDING OR PILING OF ANY HAZARDOUS OR SPECIAL WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES.

(Section 3.59 of the Environmental Protection Act, Ill. Rev. Stat. 1982⁹, ch. 111 1/2, par. 1003.59)

"POTENTIAL ROUTE" MEANS ABANDONED AND IMPROPERLY PLUGGED WELLS OF ALL KINDS, DRAINAGE WELLS, ALL INJECTION WELLS, INCLUDING CLOSED LOOP HEAT PUMP WELLS, AND ANY EXCAVATION FOR THE DISCOVERY, DEVELOPMENT OR PRODUCTION OF STONE, SAND OR GRAVEL. (Section 3.58 of the

Environmental Protection Act, Ill. Rev. Stat. 1989 ch. 111 1/2, par. 1003.58).

"POTENTIAL SECONDARY SOURCE" MEANS ANY UNIT AT A FACILITY OR A SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION, OTHER THAN A POTENTIAL PRIMARY SOURCE, WHICH:

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, OR SURFACE IMPOUNDING OF WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON, OTHER THAN LIVESTOCK AND LANDSCAPE WASTE, AND CONSTRUCTION AND DEMOLITION DEBRIS;

OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 BUT NOT MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 2,500 BUT NOT MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES; OR

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STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 GALLONS ABOVE GROUND, OR MORE THAN 500 GALLONS BELOW GROUND, OF PETROLEUM, INCLUDING CRUDE OIL OR ANY FRACTION THEREOF WHICH IS NOT OTHERWISE SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS SUBSTANCE; OR

STORES OR ACCUMULATES PESTICIDES, FERTILIZERS, OR ROAD OILS FOR PURPOSES OF COMMERCIAL APPLICATION OR FOR DISTRIBUTION TO RETAIL SALES OUTLETS; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 50,000 POUNDS OF ANY DE-ICING AGENT; OR

IS UTILIZED FOR HANDLING LIVESTOCK WASTE OR FOR TREATING DOMESTIC WASTEWATERS OTHER THAN PRIVATE SEWAGE DISPOSAL SYSTEMS AS DEFINED IN THE "PRIVATE SEWAGE DISPOSAL LICENSING ACT" (Ill. Rev. Stat. 1987⁹, ch. 111 1/2, par. 116.301).

(Section 3.60 of the Environmental Protection Act, Ill. Rev. Stat. 1987⁹, ch. 111 1/2, par. 1003.60)

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Community Water System means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

Non-Community Water System means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year and shall include vending machines.

"Sanitary Survey" means an on-site inspection of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating their adequacy for producing and distributing safe drinking water.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

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"Slow Sand Filtration" means a process involving passage of a raw water through a bed of sand at low velocity resulting in substantial particulate removal by physical and biological mechanisms.

"State" means the State of Illinois, Illinois Department of Public Health or the Illinois Environmental Protection Agency, as appropriate.

"Supplier of Water" means any person who owns or operates a public water system.

"Surface Water" means all water which is open to the atmosphere and subject to surface runoff.

"Too Numerous to Count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter filter used for coliform detection.

"Transient, Non-Community System" means a non-community public water system which does not regularly serve the same 25 people.

"Vending Machine" means a device which provides treatment and/or dispenses a specific amount of water after money has been inserted into the device or after the water has been purchased.

"Waterborne Disease Outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a non-community public water system.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 900.30 Special Requirements

- a) More Stringent Conditions. The Department will require more stringent conditions be placed on the non-community public water system if a potential health problem is detected on the basis of a sanitary survey, laboratory analyses, location of known sources of pollution, condition of the water supply, type of construction or information from previous owners which might indicate the water would be too hazardous to drink. Such conditions include, but are not limited to, sampling for additional contaminants, more frequent sampling for contaminants, or imposing of maximum contaminant levels specified in this Part or Federal National Interim Primary Drinking Water Regulations (40 CFR 141, 1987) or the National Primary Drinking Water Regulations (40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987 and 53 Fed. Reg. 25108 through 25111, July 1, 1988). The Department shall also require treatment or the discontinuance of the use of the non-community public water system,

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if the system is found to jeopardize public health or if the system is found to contain hazardous substances or disease causing organisms.

- b) Use of Chemical Additives. Chemicals approved for the treatment of water shall include, but are not limited to, chlorine and chemicals used for water softening, flocculation and coagulation. Such chemicals shall be approved if the method of feed and the concentration of these chemicals does not jeopardize the health of the user as determined by the Department pursuant to the level of toxicity of the chemical.

- c) The Department shall be notified immediately of the occurrence of any waterborne diseases outbreaks.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 900.40 Water System Design

- a) Siting Requirements. Construction, alteration or expansion of a public water system shall be accomplished so as to:

- 1) Avoid locating any or all of the facility at a site which is subject to undue risk from earthquakes, floods, or other disasters.
- 2) Except for the intake structures, avoid locating any or all of the facility within the floodplain of a 100-year flood.
- 3) Sources of pollution shall be located no closer to wells and finished water storage facilities than indicated in Table A. Beginning January 1, 1988, no new non-community water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless specifically allowed in Table A. Where the owner of a potable well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department may allow a variance to the minimum separation distances required in this part provided the owner complies with the variance provisions of Section 920.30(c) of the Illinois Water Well Construction Code.
- b) Existing Water System. The sanitary quality of an existing water system shall be determined by a survey of facilities and laboratory analyses of water samples. Defects in facilities or contamination shown present by laboratory analyses, shall be considered sufficient grounds for requiring repairs, chlorination or other treatment, or termination of the use of the system. All repairs, modifications, and alterations to existing wells and pump equipment shall be in accordance with the Illinois Water Well Construction Code (77 Ill.

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Adm. Code 920), the Illinois Plumbing Code (77 Ill. Adm. Code 890), and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). Treatment will not be considered as a substitute for location and construction in accordance with the Illinois Water Well Construction Code. Wells terminating in pits shall not be allowed. Existing pits shall be eliminated and the floor or one wall of the pit shall be broken or removed, the pit shall be filled with compacted earth, and the casing shall be extended to terminate 8 inches above grade.

- c) New Well Construction. All new wells shall be constructed in accordance with the Illinois Water Well Construction Code.
- d) New Pumping Equipment. All new well pumps shall be installed in conformance with the Illinois Water Well Pump Installation Code.
- e) Surface Water. Gravity filtration and disinfection shall be provided as the minimum treatment facilities for all supplies obtained from ponds, lakes, streams, rivers, groundwater under the influence of surface water, and other surface collectors of water. Surface water supply treatment facilities shall be designed, constructed, operated, and maintained as described in the Surface Source Water Treatment Code, (77 Ill. Adm. Code 930) or in accordance with "Recommended Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers" ("Ten States' Standards"). Where average turbidity, based upon 30 daily samples, of the source exceeds 50 nephelometric turbidity units, complete treatment must be provided in accordance with "Ten States' Standards." All systems which use surface water, in whole or in part shall be operated by personnel which have taken a water treatment course approved by the Department, and have received a certificate or other evidence that the course has been completed satisfactorily, (such as a letter from the school) or shall be operated by personnel which have received certification by the Illinois Environmental Protection Agency as a Class A1-6 class 11, or Class B11 public water supply operator. The Department will approve such course provided the course is given by an accredited college or university, the course is at least equivalent to .7 1-4 continuing education units, and the course addresses water filtration, disinfection, water supply and the measurement of disinfectant residual and turbidity. The Department shall make available a list of such approved courses upon request.
- f) Springs. Spring water supplies shall not be allowed except where it is impossible to develop a well which meets the water quality and capacity standards of this Part. Where springs are used for potable water, they shall be protected from entry of surface water, shall be housed in a permanent structure, and shall be chlorinated in accordance with Section 900.40 (n). Spring water supplies located in

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an area with sink-holes or outcropping rock, with a history of periodic discolored discharge, or subject to fecal contamination, as demonstrated by laboratory analysis, shall not be approved unless provided with treatment consistent with that required for surface water.

- g) Cisterns. Cisterns shall not be used for public water supply except where groundwater resources will not produce the quantity of water needed for the population to be served. Cistern water shall receive treatment consistent with that required for surface water (See Section 900.40 (e)).
- h) Design Capacity. The design capacity for a non-community public water system shall be determined based on the estimated peak demand or the average daily consumption rate obtained from Table B.
- i) Hydropneumatic Storage. The minimum requirements for designing a hydropneumatic storage system are as follows:
 - 1) Well and Pump Sizing. The capacity of the well(s) and pump(s) in a hydropneumatic system shall be at least eight times the average daily consumption rate or shall be sufficient to meet the estimated peak demand, whichever is greater. (calculate the average daily consumption rate from Table B). If it can be shown that a specified amount of water is more appropriate or if the Department can be shown that the storage requirements are excessive, the Department will permit other sizing alternatives dependent upon such things as, but not limited to, water demand at the facility in question or water usage reports from a similar facility.
- 2) Pressure Tank Sizing. The minimum capacity of the pressure storage tank shall be calculated by the following formula:
$$Q = Q_m (3)/Pf$$
Where Q_m = Pump capacity (g.p.m.)
$$Pf$$
 = Pressure Factors obtained from TABLE C.
- 3) Precharged Pressure Tanks. The capacity of a precharge pressure storage tank shall be calculated by the following formula:
$$Q_p = 1.5Q_m/Pf$$
Where Q_p = Precharged pressure tank volume, gal.
- 4) Existing Hydropneumatic Storage. An existing undersized

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pressure storage system may be allowed provided a history of adequate water supply exists. Major alterations shall comply with all requirements of Section 900.40(1).

4) No water line shall pass through, or come into contact with, any part of a sewer manhole.

j) Storage Reservoir. All nonpressure underground reservoirs shall be constructed of permanently watertight material and shall be provided with a watertight insect proof cover. Examples of permanently watertight materials are steel, plastic, concrete or fiberglass. On new water system installations, all nonpressure storage reservoirs in or on the ground shall be located in such a manner that surface water will flow away from the structure. When the bottom of any such reservoir is located below the ground surface, the reservoir shall be located with respect to sources of pollution as outlined in Table A. Where manholes are necessary, they shall have a raised curb and be provided with a cover of the overhanging type. Vents and openings shall be insect-proof and shall be installed so there is no hazard to the sanitary quality of the water supply. Piping shall enter the reservoir through the top of underground tanks or through the exposed vertical extension of the manhole opening. Points of entry must be sealed in a watertight manner. No suction lines may enter the reservoir underground unless protected by an external pipe enclosure maintained at system pressure.

k) Water Distribution Lines. The system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois Plumbing Code (77 Ill. Adm. Code 890) for the type of pipe to be used. The following shall govern the separation of water lines from possible sources of pollution:

1) Whenever possible, a water line shall be laid at least 10 feet horizontally from any existing or proposed sewer line.

2) Whenever water lines must cross sewers, the water line shall be laid at such an elevation that the bottom of the water line is 18 inches above the top of the sewer. This vertical separation shall be maintained for that portion of the water line located within 10 feet horizontally of any sewer or drain it crosses, said 10 feet to be measured as the normal distance from the water line to the drain or sewer. The sewer shall be constructed of cast iron pipe, type K copper, or Drain, Waste and Vent (DWV) plastic pipe (Schedule 40) with water-tight joints for a distance of 10 feet from each side of the water line. All crossings shall be made at right angles.

3) Where conditions prevent the minimum horizontal and/or vertical separation specified above, special consultation shall be obtained from the Department to determine other routes of water

piping.

4) No water line shall pass through, or come into contact with, any part of a sewer manhole.

5) There shall be no physical connection between a community water system and a non-community or private water system, unless the non-community or private water system conforms to community water system requirements, as specified by the Illinois Pollution Control Board's Public Water Supplies (35 Ill. Adm. Code 607.104).

6) Lines for potable water shall be laid at least 25 feet horizontally from any underground sewage seepage field.

1) Plumbing-Fixture Backflow Protection. The water supply lines shall have no physical connection with nonpotable water supplies. All plumbing shall be in accord with the Illinois State Plumbing Code available from this Department. All plumbing fixtures and other equipment connected to the water system shall be so constructed and installed so as to safeguard the water system from the possibility of contamination through cross-connections or backsiphonage. Laundry units and equipment shall be so constructed and installed so as to prevent the contamination of the contents by the backflow of sewage. When required by the Illinois Plumbing Code (77 Ill. Adm. Code 890), the fixture or appliance shall be connected indirectly with the drainage system by means of an open, funnel-type fitting with a suitable air gap.

m) Drinking Fountains. All outlets established for the provision of drinking water shall consist of drinking fountains in accordance with requirements contained in the Illinois Plumbing Code, or a supply of single service drinking cups shall be provided. Common drinking cups are prohibited.

n) Disinfection. Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine. Other disinfecting agents will be considered, providing reliable application equipment is available, and testing procedures for residual are recognized in "Standard Methods for the Examination of Water and Wastewater". Proposals for use of disinfecting agents must be approved by the Department prior to preparation of final plans and specifications. Approval will be given only when the information shows that the chemical to be used as a disinfecting agent will not jeopardize the health of the user and that the chemical will eliminate bacteria from the water supply. Disinfection is required at all surface, spring, and cistern water supplies; and at any groundwater supplies which are of questionable sanitary quality or where any treatment which exposes the water to

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the atmosphere is provided. Disinfection shall not be a substitute for proper well location and construction.

- 1) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter in the water after contact time of at least 30 minutes at maximum flow rates. The equipment shall be of such design that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

- 2) Contact Time and Point of Application. Chlorine shall be applied at a point which will provide the maximum contact time. At facilities treating surface water, chlorine shall be applied to the water after filtration. At facilities chlorinating groundwater, provisions should be made for applying chlorine to the detention basin inlet. Where chlorination is required, minimum free chlorine residual at distant points in a water distribution system shall be at least 0.1 milligram per liter except that systems utilizing surface water as a source, shall have a minimum free chlorine residual of 0.2 mg/l maintained at all distant points in the distribution system and a minimum free chlorine residual of 0.4 mg/l shall be maintained in the water storage tank. ~~The point of application and withdrawal shall be a pipe carrying water from the filter shall terminate at no more than 3 inches below the water surface of the storage tank. Water shall be withdrawn from inside a solid pipe at which extends at least 3 inches above the highest point of the water level to a point not more than 3 inches above the bottom of the water storage tank. Those systems utilizing surface water as a source and groundwater under the influence of surface water shall be ~~water are not~~ designed in accordance with the Surface Water Treatment Code (77 Ill. Adm. Cod 930), and shall meet disinfection requirements and CT values of 40 CFR 141 and 142, 54 Fed. Reg. 27486 through 27541, June 29, 1989.~~

- 3) Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and should be capable of measuring residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l, to the nearest 0.3 mg/l between 0.5 and 2.0 mg/l, and to the nearest 0.5 mg/l between 1.0 mg/l and 2.0 mg/l. Systems utilizing surface water as a source shall test the chlorine residual in the distribution system daily and keep a record of the results. Whenever the chlorine residual falls below the values specified in Section 900.40(n)(2), the supplier of water shall notify the Department as soon as possible but no later than the end of the next business day.

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- 4) Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be interlocked with the pump so that both will start and stop together.

5) Gas Chlorinators.

- A) The chlorine supply and gas feeding equipment shall be in a separate, air-tight room. The room shall be provided with an exhaust system which takes its suction not more than 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure shall be provided through appropriate openings, such as filters, grill openings, etc., at a high point opposite the exhaust fan intake. The room shall have a window at least 18 inches square and artificial illumination so that the chlorinator equipment is visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside the room and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and should have the platform at floor level.
- B) All chlorine cylinders, both full and empty, shall be anchored to prevent their falling over.
- C) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. Chlorinator vent lines shall terminate out-of-doors.
- D) The gas feed equipment shall be solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
- E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment. The release of chlorine shall be automatically terminated when the pump is shut off. The water supply line to the chlorine injector shall be

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equipped with an electric shut-off valve interlocked with the pump and shall be equipped with a suitable backflow preventer.

- F) ~~A self-contained breathing apparatus designed for use in a chlorine atmosphere shall be provided. A record shall be kept of the breathing apparatus usage to insure that it will be serviceable when needed and it shall be kept in a closed cabinet accessible without a key, located outside of the room in which the chlorinator is located, and preferably outside the entrance to the equipment room.~~ Gas chlorinators shall be repaired and operated only in accordance with manufacturer's directions. The owner/operator shall determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency, and have the telephone number of emergency personnel conspicuously posted within view of operating personnel.

- 6) General. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable water which may be contaminated. Housing must be provided for the chlorination equipment and for storing the chlorine.

- o) Hauled Water. When it is necessary to use hauled water as a source of public supply, the water shall be obtained only from a regulated public water system.

- 1) Transport Equipment. Equipment used for hauling water, including tank trucks or trailers, hoses, etc., shall be used only for handling potable water. In an emergency, equipment used for handling other potable materials, such as milk, syrup, etc., may be used after cleaning and disinfection with not less than 100 ppm of free chlorine.

- 2) Storage Facilities. Equipment used for the storage of hauled water shall be used only for that purpose and shall be constructed in accordance with Section 900.40(j)(4).

- p) Vending Machines. Vending machines which serve water to the public shall meet the following conditions:

- 1) The source of water to a vending machine shall be obtained from a community water system or a supply which meets the construction and location requirements of this Part.

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- 2) A dual check backflow device approved in accordance with the Illinois Plumbing Code (77 Ill. Adm. Code 890) shall be installed in the water supply pipe between the vending machine and the source of water.
- 3) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to 4 times the diameter of the water dispensing supply pipe.
- 4) The machine shall be kept in an area which is free of dirt and debris and the area shall be maintained to prevent insect and rodent harborage.
- 5) Any overflow or discharge of water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Illinois Plumbing Code.

q) Sample Siting Plan. All non-community supplies shall designate sampling points from which to collect all required samples. If a kitchen tap is available, one sample shall be taken from this location.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 900.50 Inorganic Chemicals

a) Maximum Contaminant Levels.

- 1) Nitrate. The maximum contaminant levels for Nitrate in a non-community public water system shall not exceed 10 mg/l (as nitrogen (N)). Nitrate levels not to exceed 20 mg/l as N may be allowed in a non-community water system if the supplier of water demonstrates that:

- A) Such water will not be available to children under 6 months of age.
- B) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l as N and the potential health effects of exposure.
- 2) Nitrite. The maximum contaminant level for nitrite in a non-community public water supply shall not exceed 1 mg/l as N.
- 3) The maximum contaminant levels for the following inorganic chemicals shall not be exceeded in a non-transient, non-community public water system:

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Chemical	Maximum Contaminant
A) Asbestos	7 million fibers/liter
B) Barium	2) 5 mg/l
C) Cadmium	0.005 mg/l
D) Chromium	0.1 mg/l
E) Mercury	0.002 mg/l
F) Selenium	0.05 mg/l
G) Fluoride	4 mg/l
H) Lead	0.015 mg/l
I) Copper	1.3 mg/l

4) Lead and Copper Action Levels.

A) Lead. The lead action level is exceeded if the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with Sections 920.50(b)(4), is greater than 0.015 mg/l. For systems collecting fewer than 10 samples, the lead action level is exceeded if the average of the two highest samples exceeds 0.015 mg/l.

B) Copper. The copper action level is exceeded if the concentration of copper in more than 10 percent of tap water samples collected during any monitoring period conducted in accordance with Section 920.50(b)(4), is greater than 1.3 mg/l. For systems collecting fewer than 10 samples, the copper action level is exceeded if the average of the two highest samples shall be used to determine if the action level is exceeded, exceeds 1.3 mg/l.

b) Monitoring.1) Nitrate and Nitrite

A) Nitrate and Nitrite (except non-transient; transient, non-community systems non-community). Analysis for nitrate and nitrite shall be conducted annually and one sample for nitrite shall be collected initially on all non-community public water systems, which use surface water as a source, and once every three years on all other non-community public water systems, except non-transient, non-community public water systems. Analysis for nitrite shall be conducted within 12 months whenever any sample for nitrate exceeds the maximum contaminant level. In addition, analysis shall be conducted within 12 months whenever any nitrite analysis is

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found to exceed the maximum contaminant level. The Department shall send out sample bottles to all water suppliers and require that the suppliers collect the sample and return it to the designated Department laboratory.

B) Nitrate and Nitrite (Non-transient, non-community and surface water systems). Analysis for nitrate and nitrite shall be conducted annually and one sample for nitrite shall be conducted initially on all surface water and non-transient, non-community public water systems, except that such analysis sampling for both chemicals must be conducted quarterly when the concentration of either chemical is equal to or greater than 50 percent of the maximum contaminant level for any one sample for either chemical. In such cases, the sampling frequency must remain quarterly until four consecutive quarterly samples are less than 50 percent of the maximum contaminant level for either chemical.

2) Inorganic Chemicals. Non-transient, non-community public water systems shall monitor for barium, cadmium, chromium, fluoride, mercury and selenium once every three years beginning January 1, 1993 where the system uses groundwater as a source and annually where the system uses surface water, in whole or in part as a source. Whenever the maximum contaminant level for any chemical is exceeded in a system using groundwater as a source, sampling for that chemical shall be conducted quarterly until two consecutive samples are less than the maximum contaminant level for that chemical. Whenever the maximum contaminant level for any chemical is exceeded in a system using surface water as a source, sampling for that chemical shall be conducted quarterly until four consecutive samples are less than the maximum level for that chemical. The sampling monitoring requirements for a system using groundwater or surface water as a source shall be reduced to once every nine years provided:

- A) Systems using surface water have been sampled monitored annually for at least three years and systems using groundwater as a source have conducted sampling once every three years for nine years. at least three years of monitoring and,
- B) All results are less than 50 percent of the maximum contaminant levels for these inorganic chemicals.
- 3) Asbestos
- A) Non-transient, non-community public water systems are not

required to sample ~~monitor~~ for asbestos unless the Department determines the system is vulnerable to asbestos contamination in its source water or due to corrosion of asbestos pipe, or both. The Department shall consider the system vulnerable to asbestos contamination where ~~any of the following are met~~ A) a source of asbestos material exists in the water source, or B) asbestos pipe is used in the water distribution system.

B) Vulnerable Systems.

If the system is determined by the Department to be vulnerable to asbestos contamination, the system shall ~~shall~~ monitor for asbestos. If the initial or any sample result is greater than ~~or equal to~~ 60 percent of the maximum contaminant level for asbestos in a system using groundwater as a source, the system must sample ~~monitor~~ quarterly until two consecutive samples are less than the maximum contaminant level. If the initial or any sample result is greater than the maximum contaminant level in a system using surface water as a source, the system must sample quarterly until four consecutive samples are less than the maximum contaminant level. Thereafter, systems are required to resample every three years. ~~once every three years if the water source is groundwater and annually if the water source is surface water in whole or in part. If the initial sample result is less than 50 percent of the maximum contaminant level for asbestos, the system is not required to monitor unless the Department has determined that asbestos has been introduced into the source of the supply. This shall be determined by a survey of the surrounding site of the water source. If the initial sample for asbestos is equal to or less than the maximum contaminant level, the system shall resample every 3 years.~~

4) Lead and Copper. All non-transient, non-community public water systems shall begin sampling for lead and copper in accordance with TABLE E by July 1, 1992 if they serve a daily population of greater than 3,300 and by July 1, 1993 if they serve a daily population of less than or equal to 3,300. All systems shall collect samples for lead and copper initially in accordance with the sample frequency in TABLE E every 6 months. A system which does not exceed the action levels for lead or copper in any sample during each of two consecutive 6 month periods may reduce the sampling frequency to annually in accordance with TABLE F. A system which does not exceed the action levels for lead and copper for three consecutive years of monitoring shall collect a

sample for lead and copper from the number of sampling sites in accordance with TABLE F once every three years. All tap samples for lead and copper shall be first draw samples and shall be collected at a cold water interior tap from which water is typically used for consumption. Each sample shall be one liter in volume and have stood motionless in the plumbing piping for at least 6 hours. Samples shall be taken from copper pipes with lead solder installed January 1, 1983 or later or which contain lead piping. If there are an insufficient number of sampling sites meeting this condition, the system shall use sampling sites that contain copper pipes with lead solder installed before January 1, 1983. A system which exceeds the action levels for lead or copper shall perform the following:

A) Sample Collection. The supplier shall sample for lead and copper in accordance with TABLE E every 6 months.

B) Collect Water Quality Parameters. The supplier of water shall collect two tap samples for each water quality parameter from the number of sampling sites specified in accordance with TABLE G every 6 months and submit all results to the Department within 30 days of analysis. A system which maintains water quality parameters reflecting corrosion control for 2 consecutive 6 month periods may reduce the number of tap samples collected and must collect each water quality parameter from the number of sampling sites specified in accordance with TABLE H every 6 months. A system which maintains water quality parameters reflecting corrosion control for 3 consecutive years of sampling may reduce the frequency with which water quality parameters are collected to annually in accordance with TABLE H. Water quality parameters shall include the following:

- i) pH
- ii) alkalinity
- iii) calcium
- iv) conductivity
- v) water temperature
- vi) orthophosphate (only required when an inhibitor with a phosphate compound is used)
- vii) silica (only required used when an inhibitor with a silicate compound is used)

C) Corrosion Control Program. The supplier of water shall initiate an effective corrosion control program. Systems which serve more than 3,300 people daily shall begin the

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corrosion control program within 18 months, and systems which serve 3,300 people or less daily shall begin the corrosion control program within 24 months. The supplier shall report to the Department in writing explaining how the corrosion treatment has been installed and how it will be maintained and operated, and any chemicals used and their dosages which will be applied. Such a corrosion control program shall be approved by the Department. Approval of the program shall be based upon the ability of the program to provide water treatment which will result in a less corrosive water. Such a program may include adding chemicals to control pH or alkalinity as a minimum.

i) Ineffective Program. Where the corrosion control program does not reduce the levels of lead and copper below maximum levels, the system shall remove sources of lead from the plumbing system.

ii) Effective Program. The corrosion control program shall be considered effective where the Saturation Index which indicates water corrosivity has a value of greater than zero. The Saturation Index shall be calculated by the formula $\text{Saturation Index} = (9.30 + A + B) - (C + D)$ where the values of A, B, C and D are obtained from TABLE I, Exhibit A, B, C and D respectively.

D) Provide Public Education. A public education program is required within 60 days of when the action level for lead has been exceeded. The supplier of water shall undertake a public education program to inform consumers that levels of lead have exceeded the action level and of ways they can reduce their exposure to potentially high levels of lead in drinking water. This can be accomplished by posters at the tap or other information such as pamphlets which are distributed to users of the water. In addition, the supplier shall make available and distribute information provided by the Department. Such information shall be placed in a common area in each building served by the system. This program shall be repeated at least once during each calendar year in which the system exceeds the lead action level. By December 31 of each year, any system required to perform a lead public information program shall submit a letter to the Department demonstrating that the system has delivered the public education and information materials as described in this Section.

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E) Reporting Information. Non-transient, non-community systems shall report the following information to the Department for all tap samples within the first 10 days following the end of each required sampling period required in Section 900.50(b)(4):

i) the results of all lead and copper tap samples including the location of each site and the criteria under which they were selected in compliance with Section 900.50(b)(4)(A)(i) and (ii);

ii) a certification which may be in the form of a letter that each first draw sample collected is one liter in volume and, to the best of their knowledge stood motionless in the plumbing system or lead service pipe for at least 6 hours; and

iii) the results of all water quality tap samples required in Section 900.50(b)(4)(A)

F) Source Water Monitoring. The supplier of water shall collect a sample for lead and copper to determine their concentrations in the source water and to determine if treatment to remove these metals from the source water is needed where lead has been found previously in the source supply or where a lead contamination source exists.

c) Maximum Contaminant Level Exceeded.

1) Nitrate and nitrite. If the result of an analysis for nitrate or nitrite in a non-community public water system exceeds the maximum contaminant level, the taking of a second sample shall be initiated within 24 hours, and the average of the two analyses determined.

2) Maximum Contaminant Level Violations. If the averaged results for nitrate or nitrite in a non-community public water system exceed the maximum contaminant level, the supplier of water shall give notice to the public in accordance with Section 900.80 of this Part, and begin monitoring the contaminant in question at a frequency established by the Department and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action becomes effective. If the system is a non-transient, non-community system, the system shall sample in accordance with Section 900.50(b)(1)(B). Any frequency established by the Department will depend upon the season, location in relation to

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agricultural areas and previous fluctuations in nitrate and nitrite concentrations.

- d) When any of the contaminant levels in Section 900.50 are exceeded, the supplier of water shall notify this Department as soon as possible. However, such notification shall be made not later than the end of the next day.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 900.60 Turbidity

Section 900.65 Organic Chemicals

- a) Maximum Contaminant Levels. The maximum contaminant levels for turbidity in non-community water systems which use surface water in whole or in part, measured at a representative entry point to the distribution system, shall not exceed one turbidity unit (TU) in any sample, except that turbidity values greater than one and equal to or less than 5 TU may be allowed in 95 percent of the samples taken during a month if the supplier of water can demonstrate to the Department that the higher turbidity does not do any of the following:

- 1) Interfere with disinfection.
- 2) Prevent maintenance of an effective disinfectant residual throughout the distribution system.
- 3) Interfere with microbiological determinations.
- b) Monitoring. Samples shall be taken by the supplier of water for non-community water systems which use surface water, in whole or in part, at a representative entry point(s) to the water distribution system at least once every four hours. Sampling frequency for turbidity may be reduced in a non-community public water system to once per day if the following conditions are met:

- 1) The supply has a filtration system designed, constructed, operated and maintained as described in the Surface Source Water Treatment Code (77 Ill. Adm. Code 930).
- 2) Minimum free chlorine residual at distant points in the distribution system is at least 0.2 milligram per liter.
- 3) Written approval from the Department has been issued. Approval will be based upon compliance with the above items.
- c) Maximum Contaminant Level Exceeded. If the results of a turbidity analysis indicate that the maximum allowable limit has been exceeded, a second sample shall be analyzed as soon as practicable and

preferably within one hour. If the repeat sample confirms that the maximum contaminant level has been exceeded, the supplier of the water shall report to the Department as soon as possible but not later than the end of the next business day ~~within 48 hours~~. The repeat sample shall be used to calculate the monthly average. If the monthly average exceeds the maximum contaminant level, or if the average of two samples taken on consecutive days exceeds 5 Turbidity Unit (TU), the supplier of water shall report to the State and notify the public as directed in Section 900.80.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

- a) The maximum contaminant levels for the following organic chemicals shall not be exceeded in a non-transient non-community water system:

1) Chemical (Volatile Organic)	Maximum Contaminant Level
A) Benzene	0.005 mg/l
B) Carbon tetrachloride	0.005 mg/l
C) 1,2-Dichloroethane	0.005 mg/l
D) Trichloroethylene	0.005 mg/l
E) Para-dichlorobenzene	0.075 mg/l
F) 1,1-Dichloroethylene	0.007 mg/l
G) 1,1,1-Trichloroethane	0.20 mg/l
H) Vinyl chloride	0.002 mg/l
I) cis 1,2 - Dichloroethylene	0.07 mg/l
J) 1,2 - Dichloropropane	0.005 mg/l
K) Ethylbenzene	0.7 mg/l
L) Monochlorobenzene	0.1 mg/l
M) o-Dichlorobenzene	0.6 mg/l
N) Styrene	0.1 0.005 mg/l
O) Tetrachloroethylene	0.005 mg/l
P) Toluene	1 2 mg/l
Q) trans-1,2-Dichloroethylene	0.1 mg/l
R) Xylene	10 mg/l
2) Chemical (Pesticides, Herbicides) and Polychlorobiphenols (PCBs)	Maximum Contaminant Level
A) Alachlor	0.002 mg/l
B) Aldicarb	0.003 mg/l 0-01-mg/l
C) Aldicarb sulfone	0.003 mg/l 0-04-mg/l
D) Aldicarb sulfoxide	0.004 mg/l 0-01-mg/l
E) Atrazine	0.003 mg/l
F) Carbofuran	0.04 mg/l
G) Chlordane	0.002 mg/l

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H) 1,2-Dibromo-3-Chloropropane (DBCP)	0.0002 mg/l
I) 2,4-D	0.07 mg/l
J) Ethylene dibromide	0.0005 mg/l
K) Heptachlor	0.0004 mg/l
L) Heptachlor epoxide	0.0002 mg/l
M) Lindane	0.0002 mg/l
N) Methoxychlor	.04 to .4 mg/l
O) Polychlorinated biphenyls-PCBs	0.0005 mg/l
P) Pentachlorophenol	0.001 mg/l to .2 mg/l
Q) Toxaphene	0.003 to .006 mg/l
R) 2,4,5-TP (Silvex)	0.05 mg/l

b) Sampling Monitoring.

1) Volatile Organic Chemicals

A) All non-transient, non-community water systems shall perform initial sampling quarterly for one year sample initially for the organic chemicals in Section 900.65(a)(1) beginning January 1, 1993. The four quarterly samples are not required provided sampling was conducted for the chemicals in Section 900.65(a)(1) prior to January 1, 1993, and provided none of the chemicals were detected. After this initial sampling, the system must resample for these chemicals every 6 years provided none of the chemicals have been detected in any initial quarterly sampling and the Department has determined that the system is not vulnerable to contamination by these chemicals and the Department has granted a written waiver to allow reduced sampling every six years. If any of these chemicals are detected in any of the initial quarterly samples or if the Department has determined that the system is vulnerable to contamination by these chemicals, resampling for the chemicals detected shall be conducted as follows:

i) Groundwater systems. Systems using groundwater as a source shall collect samples for two additional consecutive quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

ii) Surface water systems. Systems using surface water as

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a source shall collect samples for four additional quarters. If all quarterly samples are less than the maximum contaminant level for these chemicals, the system shall reduce the resampling frequency to annually for three years. The system shall then reduce the sample frequency to every 6 years provided chemicals have not been detected during the previous three years of annual sampling.

Systems which serve a population of less than 3,300 people shall begin the sampling by July 1, 1995, systems which serve between 3,300 and 10,000 shall begin the sampling by July 1, 1993, and systems which serve more than 10,000 people shall begin the sampling by July 1, 1992 for the organic chemicals in Section 900.65(a)(1) through R. All systems shall begin sampling for the chemicals listed in Section 900.65(a)(1) through (H) by January 1, 1991. After sampling has begun, sampling shall be conducted on a quarterly basis for one year unless the first quarterly sample does not detect any of these chemicals and the Department has determined that the system is not vulnerable to contamination by these chemicals. Thereafter, the system shall perform repeat monitoring for these chemicals once every five years. Systems which detect any of these chemicals in any repeat monitoring are required to sample quarterly for three years for all of the chemicals detected. Systems which detect any of these chemicals may reduce sampling to annually provided none of the chemicals detected is greater than the maximum contaminant level for any chemical during the previous three years of quarterly sampling.

B) The system shall be considered vulnerable to contamination by any of the chemicals listed in Section 900.65(a)(1) when any of the following are met:

iA) Previous sampling data from the system indicates the presence of any of these chemicals.

iiB) The system is within 200 feet of a well where these chemicals have been detected.

iiiC) The aquifer serving the water well indicates by previous sample results the presence of any of these chemicals, and that the chemical contaminant is moving in the direction of the water well and is expected to enter the well.

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ivb) The water supply is within 200 feet of an area or business where any of these chemicals are stored, distributed or manufactured or is within 200 feet from an area used as a landfill intended to receive waste products.

v) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code.

2) All non-transient, non-community public water systems shall sample for the chemicals listed in accordance with 40 CFR 141 and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987, and submit the results of these analyses to the Department within 30 days of analysis or shall submit a letter to the Department requesting the Department to perform sampling.

3) Pesticides, Herbicides and PCBs

A) Non-transient, non-community public water systems shall perform initial sampling quarterly for one year are required to sample for the chemicals listed in Section 900.65(a)(2) beginning January 1, 1993 provided the Department determines that the system is vulnerable to contamination by any of these chemicals unless if the Department determines the system is not vulnerable to contamination by a specific chemical in Section 900.65(a)(2), and a written waiver is granted by the Department. In such case, the system is required to sample for that specific chemical in accordance with 900.65(b)(3)(D). If the Department does not grant a waiver to sampling for the chemicals in Section 900.65(a)(2), the system shall perform the initial quarterly sampling for one year, and the system shall continue sampling in accordance with Section 900.65(b)(3)(C).

B) The system shall be considered vulnerable to contamination by a specific chemical or chemicals in Section 900.65(a)(2) when any of the following are met:

- i) Previous sampling data from the system indicates the presence of any of these chemicals.
- ii) The water supply is within 200 feet of an area in which any of the chemicals are stored, distributed or manufactured or is within 200 feet from a landfill or area intended to receive waste.

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iii) The aquifer serving the water well indicates by previous sample results, the presence of any of these chemicals and that the chemical contaminant is moving in the direction of the water well and is expected to contaminate the well.

iv) Nitrate levels in the water supply exceed 10 mg/l in two consecutive samples.

v) Equipment used in the production, storage or distribution of water in the system contains PCBs.

vi) The water supply uses surface water as its source and the surface water is received from runoff from agricultural land where pesticides are used.

vii) The water well serving the supply is not in compliance with the Illinois Water Well Construction Code.

CB) Where the system is determined to be vulnerable to contamination or any chemicals have been detected, the system shall continue to sample for these chemicals as follows: the system shall monitor for the specific chemical quarterly for one year.

i) Systems using groundwater as a source shall sample for 2 additional quarters in accordance with the following

Chemicals not detected:--When none of the chemicals is detected during the first year, repeat monitoring shall be required once every five years.

If sample results are less than the maximum contaminant levels for these chemicals chemicals detected:--When any chemical is detected, repeat sampling monitoring shall be conducted annually for any chemical detected for three years. If the chemicals have not been detected during this three year period, the system shall repeat sampling monitoring for all the specific chemicals every three years.

ii) Surface Water Supplies. Systems which are required to sample and use surface water as a source, shall sample for 4 additional quarters. If sample results are less than the maximum contaminant levels for these chemicals, repeat sampling shall be conducted annually

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for 3 years. If chemicals have not been detected during this 3 year period, the system shall repeat sampling for all chemicals every 3 years. ¹⁴ ~~accordance with the following~~

~~Chemicals not detected--When none of the chemicals is detected during the first year, repeat monitoring shall be conducted quarterly for one year every five years.~~

~~Chemicals detected--When any chemical is detected in any sample taken during the first year of monitoring or any subsequent monitoring, the system shall monitor annually for any chemical to which it is determined to be vulnerable~~

D) Where the system is determined not to be vulnerable to contamination and the Department has granted a written waiver, the system shall monitor for the chemicals in Section 900.65(a)(2) as follows:

- i) Systems serving less than 3,300 persons daily shall repeat sampling every 3 years.
- ii) Systems which serve 3,300 persons or more daily shall sample for two additional consecutive quarters. If no chemicals are detected in this quarterly sampling, the system shall repeat sampling every 3 years.
- c) Maximum Contaminant Level Exceeded. When any contaminant levels in Section 900.65(a) are exceeded, the supplier of water shall notify the public served as prescribed under Section 900.80, and the supplier of water shall notify the Department as soon as possible, but not later than the end of the next business day.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 900.70 Microbiological

- a) Maximum Contaminant Level. The maximum contaminant level for coliform bacteria is applicable to non-community water systems.
 - 1) Membrane Filter. When utilizing the membrane filter technique, there shall be no coliform per 100 milliliters in any sample.
 - 2) Fermentation Tube. When utilizing the fermentation tube technique, and either 10 milliliter or 100 milliliters standard

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portions, there shall be no coliform bacteria present in any portion in any sample.

3) There shall be no fecal coliform or E. Coli present in any routine, check or repeat samples.

b) Monitoring. Water samples shall be taken at points which are representative of the conditions within the distribution system.

1) The supplier of water for a non-community water system utilizing a source other than groundwater shall take water samples for coliform analyses based upon population served in accordance with the sample frequency in TABLE D when the system serves more than 1,000 persons per day in any month, however, in all cases a surface water supply system shall take samples at regular time intervals at least twice per month. If the Department, on the basis of the results of a sanitary survey, determines that some other increased frequency is required to better monitor the contaminant level of the water source, that shall be the frequency required. A more frequent sampling shall be required if a potential source of contamination is found to exist.

2) The supplier of water for a non-community water system, utilizing a groundwater source, unless otherwise regulated pursuant to specific statutes shall take water samples for coliform analyses in each calendar quarter during which the system provides water to the public. However, when the system serves more than 1,000 persons per day in any month, the supplier of water shall take water samples for coliform analyses at the frequency required in TABLE D based upon population served. In addition to the monitoring requirements of this Section, an increased monitoring frequency may be required in accordance with the requirements of Section 900.30. The Department shall reduce this sampling frequency provided the system complies with all the following:

- A) The supply serves less than 1,000 persons per day in any month.
- B) The supply is served by a groundwater source.
- C) A sanitary survey has been completed indicating compliance with this Part.
- D) At least four consecutive quarterly negative coliform samples have been taken over the past year.
- E) In no case shall the sampling frequency be less than annual.

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F) No other source of potential contamination is found to exist.

c) Maximum Contaminant Level Exceeded

1) Check Sample Repeat Sample. When the coliform bacteria in a single sample from a non-community water system exceeds the maximum contaminant level, four additional check samples or repeat shall be collected. At least one check sample shall be taken from the original sample location, one downstream within 5 service connections, and one upstream within 5 service connections, from the same sampling point within 24 hours from the time the system has been notified of the sample results. If the system has only one service connection, all check and repeat samples shall be taken at the original sampling point, and if the system collects fewer than five routine samples each month it shall collect for analyses a set of five additional samples the next month the system provides water to the public. If a subsequent sample has already been taken from the same sampling point, it shall be considered a check sample. If any routine or repeat sample is total coliform-positive, the supplier shall analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the supplier may test for E. coli in lieu of fecal coliforms. If fecal coliforms or E. coli are present, the supplier shall notify the Department by the end of the day when the supplier is notified of the test result, unless the supplier is notified of the result after the Department office is closed, in which case the supplier shall notify the Department before the end of the next business day. The supplier need not notify the Department if the original sample was analyzed in a Department laboratory.

2) Maximum Contaminant Level Violations. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by examination of a check sample, the supplier of water shall:

A) Initiate an investigation, and collect additional samples from the same point daily, or at intervals established by the Department, until the results obtained from each of four consecutive check samples show less than one coliform bacterium per 100 milliliters, or no positive portions. Sampling intervals, established by the Department, will depend upon the severity of the contamination and any previous history of contamination of the water supply.

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B) Notify the public served, as prescribed under Section 900.80, unless the Department determines that no health hazard has actually existed based upon investigation or knowledge of the circumstances.

C) Notify the Department immediately upon receipt of sample analysis.

3) Sample Location. The location at which the check samples were taken shall not be eliminated from future sampling.

d) Special Purpose or Check Samples

1) The results from all coliform bacterial analyses, except those obtained from check samples and special purpose samples, invalid samples or samples with unreliable examination results, shall be used to determine compliance with the maximum contaminant level for coliform bacteria.

2) Check samples shall not be included in calculating the total number of samples taken each month to determine compliance.

3) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement, replacement or repair have been sufficient, shall not be used to determine compliance.

4) Samples with unreliable examination results caused by factors beyond control of the water supplier, i.e., excessive transit time between collection and examination of the sample, samples being broken in transit, or interference in test results by other contaminants, shall not be used. In this case, another sample collected immediately upon learning of these results may be used to determine compliance, except that a single sample may not be attributed to more than one monitoring period.

5) Invalid sample. A sample shall be considered invalid if a turbid culture without the production of gas is found in the Multiple Tube Fermentation or the Presence/Absence Test. Samples reported as confluent growth or too numerous to count, without coliform, when using the Membrane Filtration test shall also be considered invalid. In all cases of invalid samples, a resample must be taken within 24 hours. This resample will replace the invalid result.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 900, TABLE E

Daily Population
Served

Greater Than 100,000
10,001 to 100,000
3,301 to 10,000
501 to 3,300
101 to 500
Less Than or
Equal to 100

Lead and Copper Sampling Frequency-Requirements
For First Year of Sampling

Sampling Sites from
Which Copper Samples are
Collected Every Six
Months

100
60
40
20
10
5

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Lead and Copper Sampling Frequency-Requirements
After First Year of Sampling

Section 900, TABLE F

Daily Population
Served

Greater Than 100,000
10,001 to 100,000
3,301 to 10,000
501 to 3,300
Less Than
501

Sampling Sites From Which Lead and
Copper Samples are Collected
Annually

50
30
20
10
5

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Section 900. TABLE G

Water Quality Sampling Requirements

Daily Population Served

Sampling Sites for Which Water Quality Parameters are Collected Every 6 Months

Greater Than 100,000
10,001 to 100,000
3,301 to 10,000
501 to 3,300
Less Than 501

25
10
3
2
1

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Water Quality Sampling Requirements-
Reduced Sampling

Daily Population Served

Sampling Sites from Which Water Quality Parameters are Collected

Greater Than 100,000
10,001 to 100,000
3,301 to 10,000
501 to 3,300
Less Than 501

10
7
3
2
1

(Source: Added at 16 Ill. Reg. _____, effective _____)

900. TABLE I
Exhibit A

Table Of Factors To Be Used In Saturation Index Calculations
Values of A Based Upon Total Solids

A
Total Solids
in ppm

50	.07
75	.08
100	.10
150	.11
200	.13
300	.14
400	.16
600	.18
800	.19
1000	.20

Ppm total solids

900. TABLE I
Exhibit B

Table Of Factors To Be Used In Saturation Index Calculations
Values of B Based Upon Water Temperature

B
Temperatures in degrees Fahrenheit

	UNITS								
	0	2	4	6	8				
30	2.60	2.57	2.54	2.51					
40	2.48	2.45	2.43	2.40	2.37				
50	2.34	2.31	2.28	2.25	2.22				
60	2.20	2.17	2.14	2.11	2.09				
70	2.06	2.04	2.03	2.00	1.97				
80	1.95	1.92	1.90	1.88	1.86				
90	1.84	1.82	1.80	1.78	1.76				
100	1.74	1.72	1.71	1.69	1.67				
110	1.65	1.64	1.62	1.60	1.58				
120	1.57	1.55	1.53	1.51	1.50				
130	1.48	1.46	1.44	1.43	1.41				
140	1.40	1.38	1.37	1.35	1.34				
150	1.32	1.31	1.29	1.28	1.27				
160	1.26	1.24	1.23	1.22	1.21				
170	1.19	1.18	1.17	1.16					

TENS

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF PROPOSED AMENDMENTS

900. TABLE I
Exhibit C

Table Of Factors To Be Used In Saturation Index Calculations
Values of C Based Upon Calcium Hardness Expressed as
Ca CO₃

Table with 11 columns (0-10) and 10 rows (0-9) showing factors for Calcium hardness. Includes a title 'C' and a note about units.

Table with 11 columns (0-10) and 10 rows (0-9) showing factors for Calcium hardness. Includes a title 'TENS' and a note about units.

(Source: Added at 16 Ill. Reg. , effective)

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900. TABLE I
Exhibit D

Table Of Factors To Be Used In Saturation Index Calculations
Values of D Based Upon Alkalinity Expressed as Ca CO₃

Table with 11 columns (0-10) and 10 rows (0-9) showing factors for Alkalinity. Includes a title 'D' and a note about units.

Table with 11 columns (0-10) and 10 rows (0-9) showing factors for Alkalinity. Includes a title 'TENS' and a note about units.

(Source: Added at 16 Ill. Reg. , effective)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Emergency Medical Services Code

2) Code Citation:

77 Ill. Adm. Code 535

3) Section Numbers:

Proposed Action:

535.10 Amendment
535.20 Amendment
535.100 Amendment
535.150 Amendment
535.200 Amendment
535.210 Amendment
535.215 Amendment
535.216 New Section
535.220 Repealed
535.230 Amendment
535.260 Amendment
535.265 Amendment
535.270 Amendment
535.310 Amendment
535.315 Amendment
535.320 Amendment
535.330 Amendment
535.340 Amendment
535.400 Amendment
535.410 Amendment
535.415 Amendment
535.420 Amendment
535.430 Amendment
535.435 Amendment
535.440 Amendment
535.500 Amendment
535.510 Amendment
535.515 Amendment
535.520 Amendment
535.530 Amendment
535.535 Amendment
535.540 Amendment
535.600 Amendment

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535.650 Amendment

535.750 Amendment

535.810 Amendment

535.1000 New Section

4) Statutory Authority:

Ill. Rev. Stat. 1991, ch. 111 1/2, par. 5501 et seq.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking amends the Emergency Medical Services Code to simplify the process of changing the level of service of an ambulance vehicle and amending an EMS System Plan. It also adds a requirement that EMS Systems develop written bypass protocols in accordance with P.A. 86-1461. In addition, the provisions of P.A. 87-568, P.A. 87-499, P.A. 87-589 and P.A. 87-567 are being implemented.

In accordance with P.A. 87-589, the words certify, certification, and recertify and recertification have been changed to license, licensure, relicense and relicensure throughout Part 535.

In Section 535.10, the definition of "Emergency Medical Technician Intermediate" has had the following language added by P.A. 87-568: "No sponsorship or employment shall be required for training or holding licensure as an EMT-I."

The definitions of "State Emergency Medical Services Disciplinary Review Board" and "System Review Board" have been changed to comply with P.A. 87-568.

In Section 535.20, a reference to Section 535.216 has been added to subsection (a)(4) and the Illinois Revised Statutes references in subsection (b) have been updated to reflect the 1991 edition.

In Section 535.100 (b), the word "initial" has been added before "application for license".

In Section 535.100 (d), the words "upon receipt of a signed application" have been deleted.

In Section 535.100 (e), the word "initial" has been inserted before the word "application".

In Section 545.100 (f), "and investigations" has been added after "inspections" in the first line, and language has been added giving the Department access to records, equipment and vehicles during an inspection or investigation.

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In Section 535.100, subsection (g) has been added listing the steps necessary to change the level of service on an ambulance provider license and vehicle certificate.

In Section 535.150 (b)(1)(A)(v), the word "to" has been replaced by "will" before "permit".

Section 535.150 (b)(2)(A)(v) has been deleted.

In Section 535.150 (b)(3)(B)(vi), the words "or gas powered" have been added after "rechargeable".

In Section 535.150 (b)(3)(B), subsection (vii) has been added which reads "A manually operated suction device is acceptable if approved by the Department".

In Section 535.150 (b)(4)(F) and (G), the words "wrist restraints" have been deleted.

In Section 535.150 (b)(5)(Q)(i), the words "or identifier numbers" have been deleted.

In Section 535.150 (b)(5)(Q), subsection (x) has been added which reads "An Ambulance Emergency Run Report will be completed and a copy filed with the receiving Emergency Department prior to leaving the receiving hospital".

A new subsection, 535.150 (f)(2) has been added, which describes the staffing requirements for BLS vehicles using automatic defibrillation, and in subsection (3), the word "automatic" has been added before "defibrillation," in accordance with P.A. 87-568.

In Section 535.150 (g)(3), the words "an the emergency run report" have been added following "record".

A new subsection, 535.150 (g)(6) has been added to clarify that an ambulance must operate at the level of service for which it is licensed.

A new subsection, 535.150 (g)(7) requiring that, if a BLS ambulance estimated response time is more than five minutes, the dispatcher must inform the caller of the estimated time of arrival of the ambulance. The language is verbatim from P.A. 87-499.

In Section 535.200 (k)(8), the words "Additional ambulance providers or changes in level of service for system ambulance providers or" have been inserted at the beginning of the first sentence.

In Section 535.200 (k), a new subsection (19) has been added which reads "The addition of an Automatic Defibrillator Operation program pursuant to Section 535.216 of this Part." This language implements P.A. 87-568.

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In Section 535.210 (i), a new subsection (7) has been added to permit in-Field Service Level Upgrades in response to a recommendation of the EMS Council.

In Section 535.210 (m)(3), subsection (f) has been added which reads "A System may require that up to one-half of the yearly didactic continuing education hours that are required toward recertification, as determined by the Department, be earned through attendance at System-taught courses".

In Section 535.210 (m)(3), subsection (f) has been added which reads "Any didactic continuing education course which has received a State site code shall be accepted by the System, subject only to the requirements of subsection (m)(3)(f) of this Section."

In Section 535.210 (m)(8), subsection (M) which reads "Durable power of attorney for health care" has been added to comply with P.A. 87-567.

In Section 535.210, subsection (O) has been added which requires Resource Hospitals to develop a written bypass policy in accordance with P.A. 86-1461.

A new Section, 535.216, has been added to permit automatic defibrillation in accordance with P.A. 87-568.

Section 535.220 has been repealed.

Sections 535.260, 535.265 and 535.270 have been extensively revised pursuant to P.A. 87-568. In effect, these changes require that due process must now be offered prior to a suspension, unless the Project Medical Director finds that the provider's continued practice would cause imminent harm to patients. In the event that an immediate suspension is ordered, documentation must be provided to the Department within 24 hours. The Department will then determine whether the suspension will remain in effect or be stayed during due process. Participants who receive immediate suspensions may skip the local System Review Board and request a hearing by the State Disciplinary Review Board. Physical and mental incapacities have also been added as grounds for suspension.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes _____ No X

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7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify the date: _____

8) Does this Rulemaking Contain any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.06(b) ___

9) Are there any Other Proposed Amendments Pending on this Part? Yes ___ No X

If yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
-----------------	-----------------	--------------------

10) Statement of Statewide Policy Objectives:

This rulemaking will affect hospitals and ambulance services owned by units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

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ambulance services, hospitals

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 535

EMERGENCY MEDICAL SERVICES CODE

SUBPART A: GENERAL

Section
535.10
535.20

Definitions
Incorporated Materials

SUBPART B: COMMUNICATIONS

Section
535.50
535.60

General Communications
EMS Systems Communications

SUBPART C: LICENSURE OF AMBULANCE SERVICE PROVIDERS

Section
535.100
535.110
535.120
535.130
535.140
535.150

Licensure of Ambulance Service Providers - General
Denial, Nonrenewal, Suspension and Revocation of Ambulance Service Providers
Renewal of License
Renewal of License Denied (Repealed)
Revocation of License (Repealed)
Ambulance Licensing Requirements

SUBPART D: EMERGENCY MEDICAL SERVICES SYSTEM PROGRAM

Section
535.200
535.210
535.215
535.216
535.220
535.230
535.240
535.250
535.260
535.265

Emergency Medical Services System Program - General
EMS System Program Plan
Approval of Additional Drugs and Equipment
Automatic Defibrillation
Additions to an Approved Program (Repealed)
EMS System Personnel Standards
Minimum Standards for Continuing Operation
Resolution of Conflicts (Repealed)
System Participation Suspensions
System Review Board

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State EMS Disciplinary Review Board

535.270

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE (EMT-A)

Section
535.300
535.310
535.315
535.320
535.330
535.335
535.340
535.350

Emergency Medical Technician - Ambulance Training - General
EMT-A Testing
Fee For Testing
EMT-A Licensure Certification
EMT-A Relicensure Recertification
EMT-A Continuing Education
Failure to Renew Recertify - Denial of Relicensure Recertification
Penalty (Repealed)

SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE (EMT-I)

Section
535.400
535.410
535.415
535.420
535.430
535.432
535.435
535.440
535.450

Emergency Medical Technician - Intermediate Training - General
EMT-I Testing
Fee For Testing
EMT-I Licensure Certification
EMT-I Relicensure Recertification
EMT-I Continuing Education
Failure to Renew Recertify - Denial of Relicensure Recertification
EMT-I Inactive Status
Penalty (Repealed)

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P)

Section
535.500
535.510
535.515
535.520
535.530
535.532
535.535
535.540
535.550

Emergency Medical Technician - Paramedic Training - General
EMT-P Testing
Fee For Testing
EMT-P Licensure Certification
EMT-P Relicensure Recertification
EMT-P Continuing Education
Failure to Renew Recertify - Denial of Relicensure Recertification
EMT-P Inactive Status
Penalty (Repealed)

SUBPART H: RECIPROCITY

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Section 535.600 Reciprocity

SUBPART I: SUSPENSION, REVOCATION AND DENIAL OF LICENSURE CERTIFICATION OF EMTs

Section 535.650 Suspension, Revocation and Denial of Licensure Certification of EMTs

SUBPART J: DATA COLLECTION AND EVALUATION

Section 535.700 Data Collection and Evaluation

SUBPART K: WAIVER PROVISIONS

Section 535.750 Waiver Provisions

SUBPART L: REGISTERED PROFESSIONAL NURSE (FIELD RN/MICN)

Section 535.800 General Provisions
535.810 Field RN Training
535.820 Field RN Testing
535.830 Field RN Approval
535.840 Field RN Renewal
535.850 MICN Training
535.860 MICN Approval
535.870 Reciprocity

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section 535.900 Certification of SEMSV Programs - General
535.910 Denial, Nonrenewal, Suspension or Revocation of Certification
535.920 SEMSV Program Certification Requirements for All Vehicles
535.930 Helicopter and Fixed-Wing Aircraft Requirements
535.931 EMS Pilot Specifications
535.932 Aeromedical Crew Member Training Requirements
535.933 Aircraft Vehicle Specifications and Operations
535.934 Aircraft Medical Equipment and Drugs
535.935 Vehicle Maintenance
535.936 Aircraft Communications and Dispatch Center

535.940 Watercraft Requirements
535.941 Watercraft Vehicle Specifications and Operation
535.942 Watercraft Medical Equipment and Drugs
535.943 Watercraft Communications and Dispatch Center
535.950 Off-Road SEMSV Requirements
535.951 Off-Road Vehicle Specifications and Operation
535.952 Off-Road Medical Equipment and Drugs
535.953 Off-Road Communications and Dispatch Center

SUBPART N: ADMINISTRATIVE WARNINGS AND FINES

Section 535.1000 Administrative Warnings and Fines

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 199189, ch. 111 1/2, pars. 5501 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 5670, effective May 19, 1983; amended and codified at 8 Ill. Reg. 11623, effective June 27, 1984; amended at 11 Ill. Reg. 1433, effective February 1, 1987; amended at 11 Ill. Reg. 17219, effective October 15, 1987; amended at 11 Ill. Reg. 20945, effective December 15, 1987; amended at 12 Ill. Reg. 22406, effective December 15, 1988; amended at 13 Ill. Reg. 15414, effective September 15, 1989; amended at 13 Ill. Reg. 15716, effective September 15, 1989; amended at 14 Ill. Reg. 15390, effective September 1, 1990; amended at 15 Ill. Reg. 5722, effective April 10, 1991; amended at 16 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 535.10 Definitions

For the purposes of this Part:

"Act" means the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 199189, ch. 111 1/2, pars. 5501 et seq.).

"Administrative Hearing" means a hearing conducted by the Department pursuant to a Department action to deny, suspend or revoke an EMT certification or an ambulance license, and in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE (ALS/MIC)(ALS)" MEANS AN ADVANCED LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BASIC LIFE SUPPORT FUNCTIONS, (INCLUDING CARDIOPULMONARY RESUSCITATION (CPR) PLUS CARDIAC

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MONITORING, CARDIAC DEFIBRILLATION, TELEMETERED ELECTROCARDIOGRAPHY, ADMINISTRATION OF ANTIARRHYTHMIC AGENTS, INTRAVENOUS THERAPY, ADMINISTRATION OF MEDICATIONS, DRUGS AND SOLUTIONS, USE OF ADJUNCTIVE MEDICAL DEVICES, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES) INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE THREATENING CONDITIONS UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN AN ILLINOIS DEPARTMENT OF PUBLIC HEALTH APPROVED ADVANCED LIFE SUPPORT SYSTEM. (Section 4.01 of the Act).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES (ALS-MIC/ALS)" MEANS A HOSPITAL PROVIDING WITH THE APPROVAL OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (See Subpart D of this Part), PRE-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.02 of the Act).

"ADVANCED LIFE SUPPORT PERSONNEL" MEANS PERSONS ENGAGED IN THE PROVISION OF ADVANCED LIFE SUPPORT, AS DEFINED AND REGULATED BY THIS PART PROMULGATED PURSUANT TO THE ACT. (Section 4.03 of the Act).

"Aeromedical crew member" or "Watercraft crew member" or "Off-road SEMSV crew member" means an individual, other than an EMS pilot, who has been approved by a SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program (See Sections 535.932(a) and (b), or 535.940(8)(B) through (D), or 535.950(7)(A) and (B) of this Part).

"Alternate Project Medical Director" or "Alternate PMD" means the physician who is designated by the Resource Hospital to direct the ALS/ILS operations in the absence of the Project Medical Director.

"AMBULANCE" MEANS ANY PUBLICLY OR PRIVATELY OWNED VEHICLE THAT IS SPECIFICALLY DESIGNED, CONSTRUCTED OR MODIFIED AND EQUIPPED, AND IS INTENDED TO BE USED FOR, AND IS MAINTAINED OR OPERATED FOR THE EMERGENCY TRANSPORTATION OF PERSONS WHO ARE SICK, INJURED, WOUNDED OR OTHERWISE INCAPACITATED OR HELPLESS (See Subpart C of this Part). (Section 4.05 of the Act).

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"Ambulance Service Provider" or "Ambulance Provider" means any individual, group of individuals, corporation, partnership, association, trust, joint venture, individual doing business under an assumed name, unit of local government or other public or private ownership entity which owns and operates a business or service utilizing one or more ambulances or EMS vehicles for the transportation of emergency patients.

"Area-wide Hospital Emergency Medical Services (AHES) Committees" means those bodies formed pursuant to Section 1.1 of "AN ACT requiring hospitals to render hospital emergency service in case of injury or acute medical condition and to implement emergency hospital, medical and surgical services on a community or area-wide basis" (Ill. Rev. Stat. 199189, ch 111 1/2, par. 86.1), and in compliance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.730).

"Associate Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting the mobile intensive care personnel training program nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive Emergency Department with a 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Associate Hospital EMS Coordinator" means the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"Associate Hospital EMS Medical Director" means the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"BASIC LIFE SUPPORT (BLS) SERVICES" MEANS THE RENDERING OF BASIC LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE, INCLUDING BUT NOT LIMITED TO AIRWAY MANAGEMENT, CARDIOPULMONARY RESUSCITATION, CONTROL OF SHOCK AND BLEEDING AND SPLINTING OF FRACTURES, AS OUTLINED IN A BASIC EMERGENCY CARE COURSE APPROVED BY THE DEPARTMENT AND MEETING THE CURRENT NATIONAL CURRICULUM OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION. (Section 4.06 of the Act).

"CENTRAL COMMUNICATIONS SYSTEM" MEANS A RADIO AND COMMUNICATIONS COMMAND AND CONTROL CENTER OR CENTERS RESPONSIBLE FOR ACCEPTING CALLS FROM THE PUBLIC FOR

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EMERGENCY MEDICAL SERVICES, FOR DISPATCHING EMERGENCY MEDICAL SERVICES PERSONNEL AND VEHICLES, FOR RADIO COORDINATION OF EMERGENCY MEDICAL SERVICES VEHICLES AND PERSONNEL, FOR COORDINATION OF MEDICAL COMMUNICATIONS BETWEEN EMERGENCY MEDICAL SERVICES PERSONNEL AND PUBLIC SAFETY AGENCIES, AND WHERE APPLICABLE, FOR COORDINATION AND MANAGEMENT OF RADIO FREQUENCIES DEVOTED TO BIOMEDICAL TELEMETRY. (Section 4.07 of the Act).

"Channel, Half-Duplex" means a radio channel that transmits and receives signals, but in only one direction at a time.

"CONSUMER" MEANS A PERSON IN THIS STATE WHO IS A RECIPIENT OR POTENTIAL RECIPIENT OF THE SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES SYSTEM, WHO RECEIVES NO DIRECT OR INDIRECT PERSONAL, FINANCIAL, OR PROFESSIONAL BENEFIT AS A RESULT OF AN ASSOCIATION WITH HEALTH CARE OR EMERGENCY SERVICES OTHER THAN THAT GENERALLY SHARED BY THE PUBLIC AT LARGE, AND WHO IS NOT OTHERWISE CONSIDERED A PROVIDER UNDER THE PROVISIONS OF THIS ACT. (Section 4.08 of the Act).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.09 of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.10 of the Act).

"Dysrhythmia" means a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

"Effective Radiated Power (ERP)" means the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

"Electrocardiogram" means a single lead rhythm strip graphic recording of the electrical activity of the heart by a series of deflections which represent certain components of the cardiac cycle.

"EMERGENCY" MEANS A CONDITION OR SITUATION IN WHICH AN INDIVIDUAL DECLARES A NEED FOR IMMEDIATE MEDICAL ATTENTION OR WHEN THAT NEED IS DECLARED BY EMERGENCY MEDICAL PERSONNEL OR A PUBLIC SAFETY OFFICIAL. (Section 4.11 of the Act).

"EMERGENCY MEDICAL SERVICES (EMS) SYSTEM" MEANS AN ORGANIZATION OF PROVIDERS WHICH THROUGH A PROGRAM PLAN

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SUBMITTED TO AND APPROVED BY THE DEPARTMENT (pursuant to Subpart D of this Part) ENTITLES A HOSPITAL TO UTILIZE QUALIFIED PERSONNEL SPECIFIED IN THE ACT TO PROVIDE OR COORDINATE PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE AT AN ADVANCED OR INTERMEDIATE LEVEL, TO VICTIMS OF ILLNESS OR INJURY WITHIN THE AREA SPECIFIED IN THE PROGRAM PLAN. ADVANCED OR INTERMEDIATE LEVEL SERVICES MAY INCLUDE THE UTILIZATION OF BLS LEVEL SERVICES. ONE HOSPITAL IN EACH PROGRAM PLAN MUST BE DESIGNATED AS THE RESOURCE HOSPITAL. ALL HOSPITALS AND AMBULANCE PROVIDERS PARTICIPATING IN AN EMS SYSTEM MUST SPECIFY THEIR LEVEL OF PARTICIPATION IN THE PROGRAM PLAN. (Section 4.18 of the Act).

"Emergency Medical Services System Survey" means a questionnaire which provides data to the Department for the purpose of compiling annual reports.

"Emergency Medical Services Vehicle (EMS vehicle)" means any vehicle used for BLS, ILS or ALS, as a special EMS unit or rescue vehicle, operating within an approved EMS System.

"EMERGENCY MEDICAL TECHNICIAN-AMBULANCE" OR "EMT-A" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION IN BASIC LIFE SUPPORT SERVICES AS REQUIRED AND IS CURRENTLY LICENSED ~~CERTIFIED~~ BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE ACT AND THIS PART, WHO PROVIDES EMERGENCY MEDICAL SERVICES. (Section 4.12 of the Act).

"EMERGENCY MEDICAL TECHNICIAN INTERMEDIATE" OR "EMT-I" MEANS AN EMT-A CURRENTLY LICENSED ~~CERTIFIED~~ BY THE DEPARTMENT WHO HAS COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart F of this Part) IN SPECIFIC ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND WHO IS CURRENTLY FUNCTIONING IN A PROGRAM APPROVED BY THE DEPARTMENT TO PROVIDE SUCH SERVICES UNDER THE SUPERVISION AND CONTROL OF A PROJECT MEDICAL DIRECTOR. NO SPONSORSHIP OR EMPLOYMENT SHALL BE REQUIRED FOR TRAINING OR HOLDING LICENSEURE AS AN EMT-I. (Section 4.15 of the Act).

"EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC" OR "EMT-P" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart G) IN ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND IS CURRENTLY LICENSED ~~CERTIFIED~~ BY THE DEPARTMENT. NO SPONSORSHIP OR

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EMPLOYMENT SHALL BE REQUIRED FOR TRAINING OR HOLDING
LICENSE/URE CERTIFICATION AS AN EMT-P. (Section 4.13 of the Act).

"EMS System Coordinator(s)" means the designated individual(s) responsible to the Project Medical Director and Project Director for coordination of the educational and functional aspects of the System program.

"EMS System Program Plan" means the document prepared by the Resource Hospital and approved by the Department which describes the EMS System program and directs the program's operation (see Subpart D of this Part).

"FCC" means the Federal Communications Commission.

"Fixed-wing aircraft" means an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

"HEALTH SYSTEMS AGENCY" MEANS A HEALTH SYSTEMS AGENCY AS DEFINED IN 42 USC 300 L-1 (a). (Section 4.14 of the Act).

"Helicopter" or "Rotorcraft" means an aircraft that is capable of vertical take-offs and landings, including maintaining a hover.

"HOSPITAL" HAS THE MEANING ASCRIBED TO IT IN THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 199189, ch. 111 1/2, par 142 et seq.). (Section 4.04 of the Act).

"Instrument Flight Rules" or "IFR" means the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR) (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129).

"Instrument Meteorological Conditions (IMC)" means meteorological conditions expressed in terms of visibility, distance from clouds and ceiling which requires Instrument Flight Rules.

"INTERMEDIATE LIFE SUPPORT CARE" or "ILS" MEANS AN INTERMEDIATE LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BLS CARE, PLUS INTRAVENOUS CANNULATION AND FLUID THERAPY, INVASIVE AIRWAY MANAGEMENT, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE-THREATENING CONDITIONS, UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE

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AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT
APPROVED EMS SYSTEM. (Section 4.19 of the Act).

"INTERMEDIATE LIFE SUPPORT SERVICES" MEANS A HOSPITAL PROVIDING, WITH THE APPROVAL OF THE DEPARTMENT (See Subpart D of this Part), PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF INTERMEDIATE LIFE SUPPORT MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES, UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.20 of the Act).

"Mobile Radio" means a two-way radio installed in an EMS vehicle which may not be readily removed.

"Off-Road Specialized Emergency Medical Services Vehicle" or "Off-Road SEMSV" or "Off-Road SEMS Vehicle" means a motorized cart, golf cart, ATV (all-terrain-vehicle), or amphibious vehicle which is not intended for use on public roads.

"Participating Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which may or may not have monitoring capabilities and which receives patients transported by System EMS vehicles under the direction of the Project Medical Director or PMD designee. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Physician" means any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 199189, ch. 111, pars. 4400-1 et seq.).

"Pilot" or "EMS Pilot" means a pilot certified by the Federal Aviation Administration who has been approved by a SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program (See Section 555.931 of this Part).

"Portable Radio" means a hand-held radio which accompanies the user during the conduct of emergency medical services.

"PRE-HOSPITAL CARE" MEANS THOSE EMERGENCY MEDICAL SERVICES RENDERED TO EMERGENCY PATIENTS FOR ANALYTIC, RESUSCITATIVE, STABILIZING, OR PREVENTIVE PURPOSES, PRECEDENT TO AND DURING TRANSPORTATION OF SUCH PATIENTS TO HOSPITALS. (Section 4.16 of the Act).

"Pre-Hospital Care Provider or System Participant" means an EMT-A, I, P,

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Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, Field RN, MICN or Physician serving on an ambulance or giving voice orders over an EMS System and is subject to suspension by the Project Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

"Project Director" means the administrator, appointed by the Resource Hospital with the approval of the Project Medical Director, responsible for the administration of the EMS System.

"Project Medical Director" or "PMD" means the physician appointed by the Resource Hospital who has the responsibility and authority for total management of the EMS System. (See Sections 535.210(h) and 535.230(a) of this Part).

"Registered Nurse" or "Registered Professional Nurse" or "RN" means a person who is licensed as a professional nurse under The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991⁸⁹ ch. 111, pars. 3501 et seq.)

"REGISTERED PROFESSIONAL NURSE/FIELD RN" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT OF 1987", AS AMENDED, (Ill. Rev. Stat. 1989, ch. 111, pars. 3501 et seq.), WHO HAS BEEN APPROVED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT-APPROVED EMS SYSTEM, AND WHO HAS SATISFACTORILY COMPLETED ADDITIONAL SUPPLEMENTARY TRAINING INCLUDING BUT NOT LIMITED TO COURSES IN EXTRICATION, TELEMETRY AND COMMUNICATIONS, ADVANCED CARDIAC LIFE SUPPORT, INCLUDING DEFIBRILLATION AND INTUBATION OR ITS EQUIVALENT, AND EITHER TRAUMA NURSE SPECIALIST OR NURSE TRAUMA LIFE SUPPORT OR THEIR EQUIVALENTS AS APPROVED BY THE PROJECT MEDICAL DIRECTOR (Section 4.21 of the Act).

"REGISTERED PROFESSIONAL NURSE/MICN" OR "Mobile Intensive Care Nurse" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT OF 1987," AS AMENDED, (Ill. Rev. Stat. 1991⁸⁹, ch. 111, pars. 3501 et seq.), WHO HAS SATISFACTORILY COMPLETED THE MOBILE INTENSIVE CARE NURSE COURSE, INCLUDING TRAINING IN TELEMETRY AND COMMUNICATION, ADVANCE CARDIAC LIFE SUPPORT, AND A PRE-HOSPITAL TRAUMA SUPPORT COURSE OR ITS EQUIVALENT, AS APPROVED BY THE DEPARTMENT. (Section 4.21(a) of the Act).

"Resource Hospital" means the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan (See Subpart D of this Part). The Resource Hospital, through the Project Medical

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Director, assumes responsibility for the entire program including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"SEMSV Medical Control Point" or "Medical Control Point" means the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

"SEMSV Medical Director" or "Medical Director" means the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part (See Section 535.920(e) of this Part).

"SEMSV Program" or "Specialized Emergency Medical Services Vehicle Program" means a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

"SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE" OR "SEMSV" MEANS A VEHICLE OR CONVEYANCE, OTHER THAN THOSE OWNED OR OPERATED BY THE FEDERAL GOVERNMENT, THAT IS PRIMARILY INTENDED FOR USE IN TRANSPORTING THE SICK OR INJURED BY MEANS OF AIR, WATER, OR GROUND TRANSPORTATION, THAT IS NOT AN AMBULANCE AS DEFINED IN THE ACT. THE TERM INCLUDES WATERCRAFT, AIRCRAFT AND SPECIAL PURPOSE GROUND TRANSPORT VEHICLES NOT INTENDED FOR USE ON PUBLIC ROADS (Section 4.30 of the Act). "Primarily intended", for the purposes of this definition, means one or more of the following:

Over fifty (50) percent (%) of the vehicle's operational (e.g. in-flight) hours are devoted to the emergency transportation of the sick or injured,

The vehicle is owned or leased by a hospital or ambulance provider and is utilized for the emergency transportation of the sick or injured,

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured,

The vehicle is owned, registered or licensed in another State and is utilized on a regular basis to pick up and transport the sick or injured within or from within this State, or

The vehicle's structure or permanent fixtures have been specifically designed

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to accommodate the emergency transportation of the sick or injured.

"STATE EMERGENCY MEDICAL SERVICES DISCIPLINARY REVIEW BOARD" MEANS A FIVE-MEMBER BOARD APPOINTED BY THE GOVERNOR TO REVIEW AND AFFIRM, REVERSE OR MODIFY THE DECISION OF A LOCAL SYSTEM REVIEW BOARD TO AFFIRM OR REVERSE A PROJECT MEDICAL DIRECTOR'S ORDERS TO SUSPEND AN EMT INDIVIDUAL OR OTHER INDIVIDUAL PROVIDER FROM PARTICIPATION WITHIN AN EMS SYSTEM (Section 10.2 of the Act) (See Sections 535.265 and 535.270 of this Part).

"System Participation Suspension" means the suspension from participation within an EMS system of an individual or individual provider, as specifically ordered by that System's Project Medical Director.

"System Review Board" or "Board" means a panel of individuals assembled within an EMS System for the purpose of reviewing a decision by the Project Medical Director to suspend from participation an EMT or other individual provider participating within that System. The Board shall consist of four (4) voting members and a chairperson who shall vote only in the event of a tie. The Project Medical Director shall appoint as two (2) standing members of the Board, the System Project Director or designee and an emergency room physician from within the System who is not the Project Medical Director. The remaining two (2) voting members and chairperson shall be selected by the provider ~~suspended-participant~~ from a list provided by the Project Medical Director. That list shall consist of the names of six (6) providers from within the System who are in the same provider category and level ~~as the suspended-participant~~. If the ~~suspended-participant~~ is a provider in a category or level which consists of less than six (6) other providers, he or she ~~the suspended-participant~~ may choose the two (2) voting members and chairperson from any of the System's provider lists.

"Telecommunications Equipment" means a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

"Telemetry" means the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

"Unit Identifier" is a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

"Watercraft" means a nautical vessel, boat, aircraft, hovercraft or other vehicle that operates in, on or across water.

"911" means an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical

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ambulance and rescue.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.20 Incorporated Materials

The following regulations, standards and statutes are incorporated or referenced in this Part.

- a) Federal guidelines, statutes and regulations:
 - 1) U.S. Code 42, The Public Health and Welfare, 42 USC 300 L-1(a). (See Section 535.100).
 - 2) Federal Specification for Ambulance, KKK-A-1822C (1985). (See Section 535.150).
 - 3) Emergency Medical Technician - Ambulance: National Standard Curriculum (1984). (See Sections 535.300(c) and (h); 535.310(a); 535.335(b); 535.400(c) and (h); 535.410(a); 535.420(a) and (b); 535.500(c) and (e); 535.510(a) and (d) and 535.530(d).)
 - 4) United States Department of Transportation, Emergency Medical Technician - Intermediate: National Standard Curriculum (1985). (See Sections 535.216; 535.400 (c) and (d); 535.410 (a); 535.420 (a) and (b); 535.430(b); 535.432(b).)
 - 5) United States Department of Transportation, Emergency Medical Technician - Paramedic: National Standard Curriculum (1985). (See Sections 535.500 (c) and (e); 535.510 (a) and (d); 535.530 (c); 535.532(b); 535.810(b) and (c); 535.850(a) and (b)).
 - 6) 47 CFR 90 (1988) (Section 535.60(a))
 - 7) Air Taxi Operations and Commercial Operators (14 CFR 135, 1988, Subparts A, Sections 135.1 through 135.43, B, Sections 135.61 through 135.125, C, Sections 135.141 through 135.185, D, Sections 135.201 through 135.229, E, Sections 135.241 through 135.247, F, Sections 135.261, J, Sections 135.411 through 135.443.)
- b) State of Illinois Statutes:
 - 1) "AN ACT requiring hospitals to render hospital emergency services in case of injury or acute medical condition and implement emergency hospital, medical and surgical services on a community or areawide basis" (Ill. Rev. Stat.

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- 199189, ch. 111 1/2, par. 86 et seq.). (See Section 535.10).
- 2) Hospital Licensing Act, (Ill. Rev. Stat. 199189, ch. 111 1/2, par. 142 et seq.). (See Section 535.10).
- 3) Medical Practice Act of 1987, (Ill. Rev. Stat. 199189, ch. 111, par. 4400-1 et seq.). (See Section 535.10).
- 4) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 199189, ch. 111, par. 3501 et seq.). (See Section 535.10).
- 5) Code of Civil Procedure (Ill. Rev. Stat. 199189, ch. 110, par. 8-2101 et seq.). (See Section 535.700(g)).

c) State of Illinois Regulations

- 1) Rules of Practice and Procedure for Administrative Hearings (77 Ill. Adm. Code 100). (See Sections 535.140(d) and 535.250(g)).
- 2) Hospital Licensing Requirements (77 Ill. Adm. Code 250). (See Sections 535.10, 535.200(d) and 535.210(e)).

- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART C: LICENSURE OF AMBULANCE SERVICE PROVIDERS

Section 535.100. Licensure of Ambulance Service Providers - General

- a) No person, either as owner, agent, or otherwise shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in the provision of an ambulance vehicle in the state without a current ambulance service provider license issued pursuant to Subpart C of this Part by the Department, provided that the ambulance is not owned, operated, licensed or regulated by a unit of local government.
- b) An initial application for license shall be filed with the Department on a form prescribed, prepared and furnished by the Department. The application shall contain such information as, but not limited to, applicant name and address, and identification as to make, model, year, vehicle identification number, and state vehicle license number, for each vehicle to be covered by the license.

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- c) Each license shall be for a period of one year and shall expire one year from the date of issuance.
- d) The Department shall issue an annual license upon the receipt of a signed application, if requirements of the Act and this Part are met, as determined by the results of an inspection conducted by the Department pursuant to this Subpart.

- e) Each license shall be issued to the person named in the initial application for the vehicles identified in the application. The license shall not be assigned to any other person. The Department shall also issue a separate license certificate for each vehicle, which shall be posted in the vehicle at all times. Additional vehicles may be included within the license only after inspection by the Department pursuant to this Subpart. The licensee shall notify the Department, in writing, within ten (10) days if a vehicle covered by the license is permanently removed from service. Such notice shall include returning the license certificate for that vehicle.

- f) The Department shall have the right to make inspections and investigations as are necessary in order to determine the status of compliance with the provisions of the Act and this Part. Pursuant to any inspection or investigation, a licensee shall allow the Department access to all records, equipment and vehicles relating to activities by the Act and this Part.

- g) Each vehicle covered by an ambulance service provider license shall be approved by the Department to operate at a specific level of service (BLS, ILS or ALS). In order to change the level of service for a specific vehicle:

- 1) The licensee shall submit a written request to the Project Medical Director;
- 2) The Project Medical Director shall submit a copy of that request to the Department, along with written verification that the licensee meets the equipment and staffing requirements of this Part and the EMS System Plan for the requested level of service;

- 3) The Department shall then amend the provider license and vehicle certificate to reflect the new level of service.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.150 Ambulance Licensing Requirements

a) Vehicle Design

- 1) Each vehicle used as an ambulance after the effective date of this Part shall comply with the criteria established by the U.S. General Services

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Administration's Specification for Ambulance (KKK-A-1822C), with the exception of the following sections: 1.2.1 Ambulance Type - "Star of Life"; 3.8.2 Ambulance Emergency Lighting; 3.16.2 Color, paint, and finish; 3.16.4 Emblems and Markings; and 3.22 as determined by the Department by an inspection.

- 2) Each vehicle that does not meet the U.S. General Services Administration's Ambulance Design Standards (KKK-A-1822C) as determined by the Department by an inspection, but is operational on the effective date of this Part shall be considered to be in compliance with this Part until there is a transfer of ownership.

b) Equipment Requirements - Basic Life Support Vehicles

Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

- 1) Stretchers, Cots & Litters
 - A) Primary Patient Litter
 - i) Wheeled
 - ii) At least 75" to 80" long and 22" wide
 - iii) Allows for the head to be tilted upward to a 60° semi-sitting position
 - iv) Provided with a crash stable, quick release, 3 point fastener
 - v) Designed to insure the frame or handle will ~~to~~ permit up to four persons to carry the litter
 - B) Secondary Patient Litter

Shall be folding and/or collapsible type
- 2) Oxygen
 - A) Installed
 - i) Is supplied by at least 3000 liters of oxygen and tank is secured in at least 3 positions so as to provide maximum safety for patients and personnel. (M cylinder)

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- ii) Is equipped with a reducing valve (from 2000 PSI cylinder to 50 PSI) with pressure gauge
- iii) Is equipped with yoke
- iv) Has a pressure gauge flow meter that will deliver up to 15 liters per minute
- v) ~~Has humidifier with sterile water and unbreakable clear containers~~
- vi) Has delivery tubes
- vii) Has oxygen outlet accessible to the technician at the head of the primary litter
- viii) Has one each adult, child and infant sized oxygen masks that are semi-open, valveless, transparent and disposable
- ix) Has 3 each nasal cannulas
- B) Portable
 - i) Is of at least 300 litre capacity (D or E cylinder)
 - ii) Is equipped with yoke
 - iii) Has pressure gauge flow meter (not gravity-dependent) that will deliver up to 15 litres per minute
 - iv) Has delivery tube
 - v) Has one each adult, child and infant sized oxygen masks that are semi-open, valveless, transparent and disposable
 - vi) Has an additional full 300 litre capacity cylinder carried on the vehicle (D or E cylinder)
- 3) Suction
 - A) Installed
 - i) Is powerful enough to provide an airflow of over 20 liter/minute at the end of the delivery tube and a vacuum of

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- over 300 mm Hg (11.811 inches) when the tube is clamped
- ii) Has vacuum adjustable for use with children and intubated patients
- iii) Has suction yoke, unbreakable collection bottle, water for rinsing, and suction tube accessible to the technician at the head of the primary litter
- iv) Has tube of sufficient length to reach the head of the primary and secondary litters
- v) Is fitted with large-bore, non-kinking, translucent suction tubing
- vi) Has 3 each sterile, single-use suction catheters with on/off control in small, medium and large sizes
- vii) Has 3 each tonsil tip suction handles or catheters, single-use
- viii) Can be disassembled for ease of cleaning and decontamination
- B) Portable
 - i) Is powerful enough to provide an airflow of at least 12 litres per minute at the end of the suction tube, and a vacuum of at least 300 mm Hg (11.811 inches) to be reached within 12 seconds after tube is clamped
 - ii) Has 3 each tonsil tip suction handles or catheters, single-use
 - iii) Is fitted with large-bore, non-kinking, translucent suction tubing with sufficient length so that unit does not have to be placed on top of patient
 - iv) Has an unbreakable collection bottle capable of holding at least 500 ml
 - v) Has 3 each sterile, single-use suction catheters with on/off control in small, medium and large sizes
 - vi) Operates from an integral battery supply which is rechargeable or gas powered and will allow the unit to meet the air flow and suction requirements of this section for at least 15

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minutes.

- vii) A manually operated suction device is acceptable if approved by the Department.
- 4) Medical Equipment
 - A) Squeeze bag-valve-mask ventilation unit with transparent mask in sizes for adult, child/infant
 - B) Lower-extremity traction splint, adult size
 - C) Blood pressure cuff, 1 each, adult and pediatric, and gauge
 - D) 2 each stethoscopes
 - E) Pneumatic counter pressure trouser kit, adult size
 - F) Long spine board with 2 each torso straps, 9 feet in length, ~~wrist restraint(s)~~; 1 each chin and head strap
 - G) Short spine board with 2 each torso straps, 9 feet in length, ~~wrist restraint(s)~~; 1 each chin and head strap or vest type (wrap around) extrication device kit
 - H) Airway kits-select one (1)
 - i) Oropharyngeal-adult, child and infant sizes
 - ii) Mouth-to-mouth artificial ventilation - adult, child and infant sizes, commonly referred to as "S" tubes or resuscitubes
 - iii) Pocket one-way valved airway
 - I) Bandage shears, 1 each
 - J) Padded board splints, 2 each 15"x3" (or equivalent)
 - K) Padded board splint, 1 each 4'6"x3" (or equivalent) and padded board splint, 3'x3"
 - L) Rigid cervical collars - 1 each, small, medium and large sizes. Shall be made of rigid material to minimize flexation, extension and lateral rotation of the head and cervical spine when spine injury is suspected

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- M) Sand bags - 4 each, about 4 inches in width, 2 inches in thickness and 12 inches in length or lateral C-Spine and head immobilization device(s)
- N) Patient restraints, arm and leg, sets
- O) Hypothermic thermometer or electronic thermometer capable of aiding in the diagnosis of hypothermia - 1 each
- 5) Medical Supplies
- A) Trauma dressing - 6 each
- B) Sterile gauze pads - 20 each, 4 inches by 4 inches
- C) Bandages, soft roller, self adhering-type, 10 each, 6 inches by 5 yards
- D) Vaseline gauze - 2 each, 3 inches by 8 inches
- E) Adhesive tape rolls - 2 each
- F) Triangular bandages or slings - 5 each
- G) Burn sheets - 2 each, sterile
- H) Sterile solution (normal saline) - 4 each, 500 cc or 2 each, 1,000 cc plastic bags
- I) Aluminum foil roll or Silver Swaddler - 1 each
- J) Bite sticks - 2 each
- K) Obstetrical kit, sterile - 1 each, pre-packaged with instruments
- L) Syrup of Ipecac, 1 each
- M) Cold packs, 3 each
- N) Emesis basin - 1 each
- O) Drinking water - 1 quart, in non-breakable container, Sterile water may be substituted

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- P) Disposable drinking cups - 5 each
- Q) Ambulance emergency run reports - 10 each, with space for the following minimum information:
- i) Signatures of EMTs present on the ambulance run and their Illinois certification numbers or identifier numbers
- ii) Time left garage
- iii) Time on scene/time left scene
- iv) Time arrived at receiving facility
- v) Six-digit ambulance license number (Secretary of State issued)
- vi) Blood pressure, pulse, skin condition and respiration of the patient upon arrival at the scene
- vii) Level of consciousness
- viii) Chief complaint of the patient
- ix) Treatment rendered by the EMTs present
- x) An ambulance Emergency Run Report will be completed and a copy filed with the receiving Emergency Department prior to leaving the Receiving Hospital
- R) Pillows - 2 each, for ambulance cot
- S) Pillowcases - 2 each, for ambulance cot
- T) Sheets - 2 each, for ambulance cot
- U) Blankets - 2 each, for ambulance cot
- V) CPR mask - 1 each, with safety valve to prevent backflow of expired air and secretions
- W) Hot packs - 3 each
- X) Urinal - 1 each

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- Y) Bedpan - 1 each
- Z) Remains bag - 1 each
- AA) Non-porous disposable gloves
- BB) Isolation bag
- CC) Face protection

e) Equipment Requirements - Intermediate and Advanced Life Support Vehicles

Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in subsection (b) and shall also comply with the equipment and supply requirements as determined by the Project Medical Director in the System in which the ambulance and its crew participate.

d) Equipment Requirements - Rescue and/or Extrication

Each ambulance shall document the mechanism and agency that provides rescue services, and carry the following:

- 1) Wrench, 12" with adjustable open end
- 2) Screwdriver, 12" with regular blade
- 3) Screwdriver, 12" Phillips type
- 4) One of these:
 - A) Hammer, 3-pound, with 15" handle
 - B) Fire axe, flat head
 - C) Wrecking bar, 24"
- 5) Goggles for eye safety
- 6) Fire extinguisher - 2 each, ABC dry chemical, minimum 5 pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment
- 7) Flashlight - 1 each, battery powered 6 volt, stand-up lantern type

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e) Equipment Requirements - Communications Capability

Each ambulance must have ambulance to hospital radio communications capability and meet the requirements provided in Section 535.50 of this Part.

f) Personnel Requirements

- 1) Each ambulance shall be staffed by two EMTs, Field RNs or physicians on all emergency calls.

- 2) Each Basic Life Support vehicle using automatic defibrillation shall be staffed by a minimum of one EMT-A approved by the Project Medical Director for automatic defibrillation, a Field RN or physician and one other Field RN or physician.

- 3) 2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed by a minimum of one EMT-I, Field RN or physician and one other EMT, Field RN or physician. Each ILS vehicle using automatic defibrillation shall be staffed by a minimum of one EMT-I approved by the Project Medical Director for automatic defibrillation, a Field RN or physician and one other EMT, Field RN or physician. Each ambulance used as an Advanced Life Support vehicle shall be staffed by a minimum of one EMT-P, Field RN or physician and one other EMT, Field RN or physician.

- 4) 3) Each ambulance provider that operates an emergency transport vehicle shall ensure through written agreement with the EMS System that the agency providing emergency care at the scene and en route to a hospital meets the requirements of this Subpart.

g) Operational Requirements

- 1) Any operation of an ambulance while transporting a patient to a hospital shall be done in accordance with the requirements of the Act and this Part.
- 2) A licensee shall operate its ambulance in compliance with this Part, twenty-four hours a day, every day of the year.
- 3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record on the emergency run report the patient's blood pressure, pulse, respiration, skin condition, level of consciousness, chief complaint and any treatment rendered.
- 4) A licensee shall provide emergency service within the service area on a per need basis without regard to the patient's ability to pay for such service.

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- 5) A licensee shall provide documentation of procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers.
- 6) A licensee shall operate its ambulance at a level not exceeding the level for which it is licensed (basic life support, intermediate life support, advanced life support), unless such vehicle is operated pursuant to an EMS System-approved in-field service level upgrade. (See Section 535.210(i)(7) of this Part.)
- 7) WHEN A BASIC LIFE SUPPORT AMBULANCE HAS BEEN REQUESTED BY TELEPHONE AND THE ESTIMATED RESPONSE TIME IS MORE THAN 5 MINUTES, THE DISPATCHER SHALL ADVISE THE PERSON MAKING THE REQUEST OF THE ESTIMATED TIME OF ARRIVAL OF THE AMBULANCE. (Section 7.1 of the Act).

- h) AGENCY NOTE: Any provider may request a waiver of any requirements in this Section under the provisions of Section 535.750. Examples of situations in which waivers of the requirement that ambulances carry pneumatic counter pressure trouser kits will be granted are as follows: When the Department is notified that a hospital or Project Medical Director will not order the use of a pneumatic counter pressure trouser kit or M.A.S.T. trousers by emergency medical personnel on a Basic Life Support Vehicle; and that a waiver is necessary to allow adequate time or progressive procurement of the pneumatic counter pressure trouser kits over a period of one to three years for those ambulance agencies that claim financial hardship.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART D: EMERGENCY MEDICAL SERVICES SYSTEM PROGRAM—GENERAL

Section 535.200 Emergency Medical Services System Program - General

- a) The provisions of this Subpart shall apply to all hospitals, ambulance providers and personnel participating in the delivery of Advanced Life Support/Mobile Intensive Care and/or Intermediate Life Support/Mobile Intensive Care to the sick and injured at the scene of an emergency, during transport to a hospital or during inter-hospital transport, and within a hospital emergency department until the responsibility for the care of the patient is assumed by the medical personnel at the receiving hospital.
- b) The emergency care described in subsection (a) shall only be offered or rendered through an approved Emergency Medical Services (EMS) System. An EMS System shall not become operational nor shall any training of System personnel begin until a letter of approval has been issued by the Department.
- c) An applicant for EMS System approval shall submit to the Department three copies of

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- a written System Program Plan signed by the Project Medical Director which includes all of the information and documentation required by Section 535.210 of this Subpart.
- d) An approved System which desires to modify its System Program Plan shall submit to the Department a written amendment signed by the Project Medical Director, along with a written statement of approval from its AHES Committee. A System shall not implement a modification to its approved Program Plan until a letter of approval has been issued by the Department.
- e) After receiving a Program Plan for a proposed EMS System or an amendment to an approved System Program Plan, the Department shall notify the applicant or System within thirty (30) days if its Program Plan or amendment is incomplete. Such notice shall include a description of the information or documentation needed to complete the Program Plan or amendment.
- f) After receiving a complete Program Plan for a proposed EMS System or amendment to an approved System Program Plan, the Department shall issue a letter of approval or disapproval within 120 days. A letter of disapproval shall include the reasons for disapproval. The Department shall approve EMS Systems which meet the requirements of this Part and the Act.
- g) The Department shall not review requests for equipment or training grants until a letter of approval has been issued by the Department.
- h) The Department shall inspect, pursuant to a complaint filed with the Department or as it deems necessary to verify compliance with the Act and this Part, any equipment, records or vehicles used or maintained by a proposed or approved EMS System or by any provider participating in a proposed or approved EMS System. Routine inspections shall be conducted no more often than every three years.
- i) Letters of commitment required in Section 535.210 shall be updated at least every three years.
- j) A hospital is not required to join an AHES committee. However, if it has elected to do so, the hospital shall comply with its commitments as outlined in the plan administered by the AHES committee and shall be subject to the provisions of subsection (d) and Sections 535.210(e) and 535.220 of this Part.
- k) For the purposes of this Part, changes in any of the following shall be considered modifications of a System Program Plan:
- 1) Resource Hospital, Associate Hospital or Participating Hospital,
 - 2) Project Medical Director,

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- 3) AHES participation,
- 4) System service area (See Section 535.210 (f) of this Part),
- 5) Written standing orders (See Section 535.210 (m) (1) of this Part),
- 6) Methods(s) of providing EMS services (See Section 535.210 (i) of this Part),
- 7) Specific role(s) of Associates or Participating Hospital(s),
- 8) Additional ambulance providers, changes in level of service for System ambulance providers, or Role(s) of specific ambulance providers (See Section 535.210 (k)(2) of this Part),
- 9) Response areas of specific ambulance providers (See Section 535.210 (k)(3) of this Part),
- 10) Access and dispatch procedures and mechanism (See Section 535.210 (k)(14) of this Part),
- 11) Communications plan (See Sections 535.60 (a)(1) through (14), (h) and (i), 535.210 (m)(4)(B) and (C) of this Part),
- 12) Equipment and drug requirements (See Section 535.210 (m)(2) of this Part),
- 13) System training, continuing education and examination requirements,
- 14) Quality Assurance policies (See Section 535.210 (m)(5) of this Part),
- 15) Data collection and evaluation policies (See Section 535.210 (m)(6) of this Part),
- 16) Override policies (See Section 535.210 (m)(7)(B) of this Part),
- 17) Disciplinary/suspension policies or procedures (See Section 535.210 (m)(9) of this Part),
- 18) The addition of drugs or equipment pursuant to Section 535.215 of this Part, and new written standing medical orders concerning those new drugs or equipment.
- 19) The addition of an Automatic Defibrillator Operation program pursuant to Section 535.216 of this Part.

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.210 EMS System Program Plan

An Emergency Medical Services (EMS) System Program Plan shall contain the following information:

- a) The name and address of the Resource Hospital;
- b) The names and resumes of the following persons:
 - 1) The Project Medical Director,
 - 2) The Project Director,
 - 3) The EMS System Coordinator.
- c) The names and addresses of each Associate or Participating Hospital;
- d) The names and addresses of each ambulance provider participating within the EMS System;
- e) A letter from the appropriate AHES committee which contains the following:
 - 1) A statement that the Resource Hospital meets the requirements of a basic or comprehensive emergency facility (See "Basic" and "Comprehensive" emergency services as defined in Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250));
 - 2) A brief description of the AHES area including categorization scheme, a specialty availability and critical care referral patterns, and
 - 3) A statement that the proposed EMS System Program Plan has been reviewed and approved.
- f) A map of the EMS System's service area indicating the locations of all hospitals and ambulance providers participating in the System;
- g) Letters of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes such as emergency department staffing and educational requirements:

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- 1) The Chief Executive Officer of the hospital;
- 2) The Chief of the Medical Staff, and
- 3) The Director of the Nursing Services.
- h) A letter of commitment from the Project Medical Director which describes the PMD's agreement to:
 - 1) Be responsible for the ongoing education of all System personnel including coordinating didactic and clinical experience;
 - 2) Develop written standing orders (treatment protocols, standard operating procedures) to be used in the PMD's absence and certify that all involved personnel will be knowledgeable in emergency care and capable of providing treatment and using communications equipment once the program is operational;
 - 3) Provide the name and resume of the Alternate Project Medical Director;
 - 4) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;
 - 5) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;
 - 6) Ensure that the Department has access to all records, equipment and vehicles under the authority of the PMD, during any Department inspection, investigation or site survey;
 - 7) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;
 - 8) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System;
 - 9) Ensure that a copy of the application for renewal (a form supplied by the Department) is provided to every EMT-I or EMT-P within the System who has NOT been recommended for recertification by the Project Medical Director; and

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- 10) Be responsible for compliance with the provisions of Sections 535.260 and 535.265 of this Part.
- i) A description of the method(s) of providing EMS services which includes the protocols for:
 - 1) single vehicle response and transport;
 - 2) dual vehicle response;
 - 3) level of first response vehicle;
 - 4) level of transport vehicle;
 - 5) use of mutual aid agreements; and
 - 6) informing the caller requesting an emergency vehicle of the estimated time of arrival when the vehicle response is estimated to be longer than six minutes.
- 7) In-Field Service Level Upgrades: An EMS System may establish protocols and procedures which allow ILS or ALS personnel to board a BLS vehicle in the field in order to render a higher level of prehospital emergency care. Such protocols shall, at a minimum, require the temporary transfer of the ILS or ALS equipment to the BLS vehicle. The higher-level personnel shall assume in-field responsibility for the patient during the remainder of the prehospital transport, and the vehicle will be recognized by the Department as approved for the higher level of service during the remainder of that patient transport.
 - j) A letter of commitment from each Associate or Participating Hospital within the System which includes the following:
 - 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
 - 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its utilization of the education and continuing education aspects of the program;
 - 3) A commitment to meet the System's educational standards for MICNs and Field RNs;

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- 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System;
 - 5) An agreement to utilize the standard treatment orders as established by the Resource Hospital;
 - 6) An agreement to follow the operational policies and protocols of the System;
 - 7) An agreement to participate in the training and continuing education of pre-hospital personnel;
 - 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
 - 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;
 - 10) The names and resumes of the Associate Hospital EMS Medical Director and Associate Hospital EMS Coordinator;
 - 11) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey, and
 - 12) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized.
- k) A letter of commitment from each ambulance provider participating within the System which includes the following:
- 1) For each EMS vehicle participating within the System:
 - A) The year, model, make, and vehicle identification number;
 - B) The license plate number;
 - C) The Department license number, unless exempt from Department licensure (See Section 9 of the Act);
 - D) The base location address, and
 - E) The level of service (advanced, intermediate or basic).

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- 2) A description of its role in providing advanced life support, intermediate life support, basic life support and patient transport services with the System;
- 3) Definitions of the primary, secondary and outlying areas of response for each EMS vehicle used within the System;
- 4) A map or maps indicating the base locations of each EMS vehicle, the primary, secondary and outlying areas of response for each EMS vehicle, the population base of each service area and the square mileage of each service area;
- 5) A commitment to optimum responses times of 4-6 minutes in primary coverage areas, 10-15 minutes in secondary coverage areas, and 15-20 minutes in outlying coverage areas;
- 6) A commitment to twenty-four (24) hour coverage;
- 7) A commitment that within one (1) year after Department approval of the EMS System, each ambulance at the scene of an emergency and during transport of emergency patients to and between hospitals will be staffed in accordance with the requirements of Section 535.150 (f)(1) and (2);
- 8) Copies of written mutual aid agreements with other providers and/or a description of the provider's own back-up system, which detail how adequate coverage will be ensured when an EMS vehicle is responding to a call and a simultaneous call is received for service within that vehicle's coverage area;
- 9) A statement that emergency services which an EMS vehicle is authorized to provide shall not be denied on the basis of the patient's inability to pay for such services;
- 10) An agreement to file an appropriate EMS run sheet or form for each emergency call, as required by the System;
- 11) An agreement to maintain the equipment required by Section 535.150 and by the System, in working order at all times, and to carry the medication as required by the System;
- 12) An agreement to notify the Project Medical Director of any changes in personnel providing pre-hospital care in the System in accordance with the policies in the System Manual;
- 13) A copy of its current FCC license(s);

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- 14) A description of the mechanism and specific procedures used to access and dispatch the EMS vehicles within their respective service areas;
 - 15) A list of all personnel providing pre-hospital care, their license certification numbers, expiration dates and levels of licensure certification (EMT-A, EMT-I, EMT-P), their Field RN or MD status;
 - 16) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
 - 17) An agreement to allow the Project Medical Director or designee access to all records, equipment and vehicles relating to the System during any inspection or investigation by the PMD or designee to determine compliance with the System Program Plan;
 - 18) Documentation that its communications capabilities meet the requirements of Section 535.50 of this Part;
 - 19) Documentation that each EMS vehicle participating in the System complies with the vehicle design, equipment and extrication criteria as provided in Section 535.150(a)(1) and (b) of this Part, and
 - 20) An agreement to follow the approved EMS policies and protocols of the System.
- l) Descriptions and documentation of each communications requirement provided in Section 535.60 of this Part;
 - m) A System Manual, the format of which shall be System specific as to organization, which shall contain but not be limited to items (1) through (11) in the following subparagraphs; and which except for training program examinations and quizzes, student and instructor evaluations, and any examinations used to test or monitor System participants' proficiency, shall be available to all System participants. The entire Manual shall be available to any agency authorized to evaluate, survey or accredit the program.
 - 1) The Project Medical Director's written standing orders (treatment protocols, Standard Operating Procedures) to be used in the PMD's absence, including the circumstances under which the MICN will call the PMD or a designated physician to the operational control point, and what the nurse's limitations are;
 - 2) A list of all equipment and drugs required for EMS vehicles;

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- 3) The System's program and requirements for the training and continuing education of EMTs, Field RNs and MICNs including but not limited to:
 - A) Curriculum (EMT training programs shall be taught in accordance with the United States Department of Transportation (DOT) Emergency Medical Technician National Standard Curriculum, 1984);
 - B) Teaching schedules;
 - C) Training program examinations, including the formats to be used (i.e., essay, multiple-choice, classroom or take-home quizzes, practical examinations);
 - D) Clinical experiences;
 - E) Training program entrance and successful completion requirements;
 - F) Training program student and instructor evaluations;
 - G) Clinical and didactic recertification requirements, including a requirement that each EMT's continuing education records shall be kept on file at the Resource Hospital, and that copies shall be provided to the EMTs, and
 - H) System examinations, if any, used to test and monitor an EMT's continued proficiency to render the level of care for which the EMT is certified.
 - D) A System may require that up to one-half of the yearly didactic continuing education hours that are required toward recertification, as determined by the Department, be earned through attendance at System-taught courses.
 - J) Any didactic continuing education course which has received a State site code shall be accepted by the System, subject only to the requirements of subsection (m)(3)(D) of this Section.
- 4) Communications standards and protocols including:
 - A) The information contained in the System Program Plan relating to the requirements of Sections 535.60(a)(1), (2), (3) and (4), 535.60(b) and 535.60(g);
 - B) Protocols ensuring that physician direction and voice orders to EMS

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vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital, and

- C) Protocols ensuring that voice orders via radio and using telemetry shall be given by or under the direction of the Project Medical Director or the PMD's designee, who shall be either an MICN, a Field RN or a physician.
- 5) Quality assurance measures for patient care, ambulance operation and System training activities, including but not limited to monitoring training activities to ensure that the instruction and materials are consistent with United States Department of Transportation training standards for EMTs and Section 4 and 13 of the Act, unannounced inspections of pre-hospital services, and internal provider self-assessments.
- 6) Data collection and evaluation methods which include:
 - A) The mechanism for collecting data from hospitals and pre-hospital providers;
 - B) A copy of the pre-hospital reporting form;
 - C) The method employed to evaluate data and to notify and correct patient care or reporting discrepancies;
 - D) A sample of the information and data to be reported to the Department summarizing System activity, and
 - E) The System's procedure for ensuring the confidentiality of patient names and patient identifying information;
- 7) Operational policies which delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency services, including:
 - A) Abuse of controlled substances by System personnel;
 - B) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);
 - C) Infectious disease and disinfection procedures, and
 - D) Reporting and documentation of problems.

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8) Medical-Legal policies addressing:

- A) A patient's right of refusal;
- B) Transport to closest hospital/bypass;
- C) Patient hospital preference;
- D) Minor patient/guardian consent;
- E) Patient abandonment;
- F) Coroner policy;
- G) Emotionally disturbed patients;
- H) Do not resuscitate situations;
- I) Patient confidentiality/release of information;
- J) Interaction with law enforcement/evidence;
- K) Reporting of suspected crimes (i.e., child abuse); and
- L) Physician on the scene.
- M) Durable power of attorney for health care.

9) Any procedures regarding disciplinary/suspension decisions and the review of those decisions which the System has elected to follow in addition to those required by the Act,

10) The responsibilities of the EMS Coordinator(s), as designated by the Project Medical Director, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required, and

11) The responsibilities of the Project Director.

n) If the Resource Hospital for a proposed EMS System is currently participating in an existing System, the following additional information must be provided:

- 1) A clear description of its current role and status within the existing System;

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- 2) Its rationale for separating from the existing System and developing its own program;
- 3) A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System which it proposes to leave;
- 4) A statement detailing the effect which the proposed change will have on the area's pre-hospital services and patient referral patterns;
- 5) A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System;
- 6) A statement detailing the effect which the proposed System will have on the current radio communications systems utilized in the area;
- 7) A detailed description of its communications system design, including the expected delivery dates for equipment which has been purchased, leased or ordered; and
- 8) If the proposed System intends to use, borrow or lease any communications equipment or facilities from an existing System, a copy of a specific contract or agreement authorizing such arrangement shall be attached.

9) WRITTEN PROTOCOLS FOR THE TRANSPORT OF PERSONS BY AMBULANCE OR SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE TO A HOSPITAL OTHER THAN THE NEAREST HOSPITAL or trauma center. (Section 10(c) of the Act)

- 1) THE PROTOCOLS SHALL PROVIDE THAT A PERSON SHALL NOT BE TRANSPORTED TO A HOSPITAL OTHER THAN THE NEAREST HOSPITAL, regional trauma center, or the nearest trauma center, UNLESS THE PROJECT MEDICAL DIRECTOR OR HIS QUALIFIED DESIGNEE HAS DETERMINED AND CERTIFIED THAT, BASED UPON THE REASONABLE RISKS AND BENEFITS TO THE PATIENT, AND BASED ON THE INFORMATION AVAILABLE AT THE TIME:

- A) THE MEDICAL BENEFITS REASONABLY EXPECTED FROM THE PROVISION OF APPROPRIATE MEDICAL TREATMENT AT A MORE DISTANT HOSPITAL or trauma center OUTWEIGH THE INCREASED RISKS TO THE PATIENT FROM TRANSPORT TO THE MORE DISTANT HOSPITAL or trauma center, AND

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- B) THE MORE DISTANT HOSPITAL or trauma center HAS AVAILABLE SPACE AND QUALIFIED PERSONNEL FOR THE TREATMENT OF THE PATIENT. (Section 10(c) of the Act) An associate hospital, participating hospital, or trauma center affiliated with the EMS System may be presumed to have available space and qualified personnel in accordance with its level of participation within the System, unless such facility has notified the Project Medical Director that it has a shortage or limitation of space or qualified personnel.

- 2) THE SYSTEM'S PROTOCOLS MAY INCLUDE AN ACCOMMODATION FOR THE PATIENT'S CHOICE OF HOSPITAL OTHER THAN THE NEAREST HOSPITAL or trauma center IF THE TRANSPORT TO THE MORE DISTANT HOSPITAL or trauma center IS NOT EXPECTED TO INCREASE THE RISK TO THE PATIENT AS DETERMINED AND CERTIFIED BY THE PROJECT MEDICAL DIRECTOR OR QUALIFIED DESIGNEE. (Section 10(c) of the Act)

- 3) In order to certify a determination made pursuant to this subsection, the determination shall be recorded and signed by the Project Medical Director or qualified designee who made such determination at the base station or medical control point which had been contacted by the EMS vehicle personnel. If the person who made the determination is not physically present at such location, the medical control personnel present shall note that on the record, and the person who made the determination shall sign the record as soon thereafter as possible.

- 4) For purposes of this subsection, the "nearest hospital" is the hospital which is closest to the scene of the emergency as determined by travel time, and which operates a full-time emergency department at the minimum level recognized by the System in its Department approved Program Plan. The "nearest trauma center" is either the Level I Trauma Center serving the trauma region in which the EMS System is located, or the Level II Trauma Center which is closest to the scene of the emergency as determined by travel time.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

535.215 Approval of Additional Drugs and Equipment

- a) The use of all drugs and equipment, other than those covered by the United States Department of Transportation National Standard Curriculum for each EMT level of licensure certification, must be approved by the Department in accordance with subsections (b), (c) and (d) before being used in a System.

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- 4) Outcome of patient after use of drug and/or equipment.
- 5) Description of follow-up actions taken by the System on each case in which complications occurred.
- f) When a death or complication which results in a deterioration of a patient's condition occurs, involving a drug and/or equipment approved on a conditional basis, the System shall notify the Department within three (3) business days, followed by a written report of the situation and submit that to the Department within ten (10) business days.
- g) Failure of the System to submit the information required under subsection (e) shall be considered as a basis for withdrawal of approval of the drug or equipment on a conditional basis. Failure of the System to notify the Department as required under subsection (f) shall be considered as a basis for withdrawal of approval of the drug or equipment on a conditional basis.
- h) The Director or designee shall evaluate the information submitted under subsection (e) and any notification required under subsection (f). The Department will notify the System that a drug or equipment is disapproved and may no longer be performed on a conditional basis, when the evaluation of the information submitted pursuant to subsection (h) indicates that the safety of the drug or equipment has not been established for use in the pre-hospital setting.
- i) The System may appeal a decision by the Director or designee under this Section by requesting a hearing on the decision within thirty (30) days of notification of the decision. Hearings on appeals will be conducted by the Department in accordance with the Department's administrative hearing rules (77 Ill. Adm. Code 100).
- j) A PMD shall not approve an EMT to use new drugs or equipment unless that EMT has completed the Department approved training program and examination, and has demonstrated the required knowledge and skill to use that drug or equipment safely and effectively.
- k) A PMD shall not be required to provide new drug or equipment training to System EMTs who will not be utilizing the new drugs or equipment.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.216 Automatic Defibrillation

- a) ANY PERSON LICENSED AS AN EMT-A, EMT-I OR EMT-P AND AFFILIATED WITH AN EMS SYSTEM MAY USE AN AUTOMATIC DEFIBRILLATOR IF HE OR SHE HAS COMPLETED A COURSE OF INSTRUCTION APPROVED BY

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- b) To apply for approval to add drugs and/or equipment, the PMD shall submit to the Department documentation covering the following:
 - 1) Training program including a description of practical training for equipment and the number of contact hours.
 - 2) A curriculum for each new drug or equipment, which includes at least the following (as applicable):
 - A) Usage
 - B) Complications
 - C) Adverse reactions
 - D) Equipment maintenance and use
 - 3) New written standing orders.
- c) Upon receipt of the application from the System, the Director or his/her designee shall either approve the drug and/or equipment, approve the drug and/or equipment on a conditional basis, or disapprove the drug and/or equipment. The Director's/designee's decision shall be based on a review and evaluation of the documentation submitted under subsection (b); the application of technical and medical knowledge and expertise; consideration of relevant literature and published studies on the subject; and whether the drug and/or equipment has been reviewed or tested in the field. The Director may seek the recommendations of medical specialists, and/or other professional consultants to determine whether to approve or disapprove the specific drug(s) and/or equipment.
- d) The Director or designee shall consider whether the drugs and equipment may be used safely and with proper training by the pre-hospital care provider, and shall disapprove any drugs and equipment which he finds are generally unsafe or dangerous in the pre-hospital care setting.
- e) When a drug and/or equipment is approved on a conditional basis, the System shall submit to the Department on a quarterly basis, the following information:
 - 1) Indications for use.
 - 2) Number of times used.
 - 3) Number and types of complications which occurred.

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(Section 11.1 of the Act).

- b) Automatic Defibrillator Operation training is a mandatory component of the EMT-P training established by Section 535.500 of this Part. Separate course approval is therefore not necessary.
- c) In order to be approved by the Department, an EMT-A or EMT-I Automatic Defibrillator Operation course shall include the following:
- 1) A curriculum based on Section 9 of the United States Department of Transportation, Emergency Medical Technician-Intermediate: National Standard Curriculum;
 - 2) A requirement that the EMT-A or EMT-I shall pass both a written and a practical examination as a condition of completing the course. The examinations shall be developed and evaluated by the Project Medical Director or designee, and shall be designed to measure the EMT's knowledge and skills to safely and effectively operate an automatic defibrillator.
 - d) A system may include the course in Automatic Defibrillator Operation as part of an initial EMT-A or EMT-I license training program, or may offer such training to persons already licensed as an EMT-A or EMT-I.

(Source: Added at 16 Ill. Reg. _____, effective _____.)

Section 535.220 Additions to an Approved Program (Repealed)

The Project Medical Director shall submit to the Department a written request for approval before amending its approved System Program Plan to include an additional ambulance provider, ambulance or EMS vehicle, or hospital. Such request shall include the appropriate letter of commitment required by Section 535.210 (f) or (g), as well as written statement of approval from the AHES committee. The ambulance provider, ambulance, EMS vehicle or hospital shall be admitted into the System after a letter of approval has been issued by the Department. The Department approves any applicant who meets the standards set forth in the Act and this Part and who meets the Project Medical Director's System standards.

(Source: Repealed at 16 Ill. Reg. _____, effective _____.)

Section 535.230 EMS System Personnel Standards

- a) The Project Medical Director shall be a physician licensed to practice medicine in all of its branches in Illinois and shall have completed a residency program in emergency medicine approved by the Residency Review Committee of the American Medical

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Association or have extensive critical or emergency care experience including documented competency in Advanced Life Support. In addition, the Project Medical Director shall:

- 1) Have experience on an EMS vehicle or make provision to gain such experience within twelve (12) months of the date responsibility for the System is assumed,
 - 2) Be thoroughly knowledgeable of and able to demonstrate all skills excluding extrication as presented in the Emergency Medical Technician Field RN and MICN training programs, and
 - 3) Have or make provisions to gain experience instructing students at a level similar to that of EMTs, Field RNs and MICNs.
- b) The EMS System Coordinator shall:
- 1) Be a Registered Professional Nurse licensed in the State of Illinois or an EMT-P licensed ~~certified~~ in the State of Illinois.
 - 2) Be trained and knowledgeable in dysrhythmia identification and treatment and have a diverse background in critical care and
 - 3) Have or make provision to obtain experience on an EMS vehicle within twelve (12) months of the date the responsibilities of the EMS System Coordinator were assumed.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

Section 535.260 System Participation Suspensions

- a) THE PROJECT MEDICAL DIRECTOR MAY SUSPEND FROM PARTICIPATION WITHIN THE SYSTEM ANY EMT OR OTHER INDIVIDUAL OR INDIVIDUAL PROVIDER WITHIN THE SYSTEM CONSIDERED NOT TO BE MEETING THE STANDARDS OF THAT APPROVED SYSTEM (Section 13(e) of the Act). Any such suspension shall be accompanied by written notice to the suspended participant from the Project Medical Director. Such notice shall include a statement describing the reason(s) for the suspension and the terms of the suspension. The suspended participant shall have the opportunity to request a review of the suspension by the System Review Board, pursuant to Section 535.265 of this Part. Any such suspension must be based on one or more of the following:

- 1) failure to meet the education and training requirements prescribed by the Department in Section 535.420, 535.430, 535.520 and 535.530 of this Part or

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by the Project Medical Director;

- 2) violation of the Act or this Part;
- 3) failure to maintain proficiency in the provision of basic, intermediate or advanced life support services;
- 4) failure to comply with the provisions of the System's Program Plan approved by the Department;
- 5) intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances, or other drugs or stimulants in such manner as to adversely affect the delivery, performance or activities in the care of patients requiring medical care (for the purposes of this subsection, adversely affect means anything which could harm the patient or treatment that is administered wrongly);
- 6) intentional falsification of any medical reports or orders, or making misrepresentations involving patient care;
- 7) abandoning or neglecting a patient requiring emergency care;
- 8) unauthorized use or removal of narcotics, drugs, supplies or equipment from any ambulance, health care facility, institution or other work place location;
- 9) performing or attempting emergency care, techniques or procedures without proper permission, ~~license~~ ~~certification~~, training or supervision;
- 10) discriminating in rendering emergency care because of race, sex, creed, religion, national origin or ability to pay;
- 11) medical misconduct or incompetence, or a pattern of continued or repeated medical misconduct or incompetence in the provision of emergency care; or
- 12) violation of the System's standards of care.
- 13) physical impairment of an EMT to the extent that he or she cannot physically perform the emergency care and life support functions for which he or she is licensed, as verified by a physician, unless the EMT is on inactive status pursuant to this Part, or
- 14) mental impairment of an EMT to the extent that he or she cannot exercise the appropriate judgment, skill and safety for performing the emergency care and life support functions for which he or she is licensed, as verified by a

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physician, unless the EMT is on inactive status pursuant to this Part.

- b) A PROJECT MEDICAL DIRECTOR MAY IMMEDIATELY SUSPEND AN EMT OR OTHER PROVIDER IF HE FINDS THAT THE INFORMATION IN HIS POSSESSION INDICATES THAT THE CONTINUATION IN PRACTICE BY AN EMT OR OTHER PROVIDER WOULD CONSTITUTE AN IMMINENT DANGER TO THE PUBLIC. THE SUSPENDED EMT OR OTHER PROVIDER SHALL BE ISSUED AN IMMEDIATE VERBAL NOTIFICATION FOLLOWED BY A WRITTEN SUSPENSION ORDER TO THE EMT OR OTHER PROVIDER BY THE PROJECT MEDICAL DIRECTOR WHICH STATES THE LENGTH, TERMS AND BASIS FOR THE SUSPENSION. (Section 13.2(b) of the Act)
- 1) WITHIN 24 HOURS FOLLOWING THE COMMENCEMENT OF THE SUSPENSION, THE PROJECT MEDICAL DIRECTOR SHALL DELIVER TO THE DEPARTMENT, BY MESSENGER OR TELEFAX, A COPY OF THE SUSPENSION ORDER AND COPIES OF ANY WRITTEN MATERIALS WHICH RELATE TO THE PROJECT MEDICAL DIRECTOR'S DECISION TO SUSPEND THE EMT OR PROVIDER. (Section 13.2(b)(1) of the Act)
- 2) WITHIN 24 HOURS FOLLOWING THE COMMENCEMENT OF THE SUSPENSION, THE SUSPENDED EMT OR PROVIDER MAY DELIVER TO THE DEPARTMENT, BY MESSENGER OR TELEFAX, A WRITTEN RESPONSE TO THE SUSPENSION ORDER AND COPIES OF ANY WRITTEN MATERIALS WHICH THE EMT OR PROVIDER FEELS RELATE TO THAT RESPONSE. (Section 13.2(b)(2) of the Act)
- 3) WITHIN 24 HOURS FOLLOWING RECEIPT OF THE PROJECT MEDICAL DIRECTOR'S SUSPENSION ORDER OR THE EMT OR PROVIDER'S WRITTEN RESPONSE, WHICHEVER IS LATER, THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL DETERMINE WHETHER THE SUSPENSION SHOULD BE STAYED PENDING THE EMT OR PROVIDER'S OPPORTUNITY FOR HEARING OR REVIEW IN ACCORDANCE WITH THIS ACT, OR WHETHER THE SUSPENSION SHOULD CONTINUE DURING THE COURSE OF SUCH HEARING OR REVIEW. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL ISSUE THIS DETERMINATION TO THE PROJECT MEDICAL DIRECTOR, WHO SHALL IMMEDIATELY NOTIFY THE SUSPENDED EMT OR PROVIDER. THE SUSPENSION SHALL REMAIN IN EFFECT DURING THIS PERIOD OF REVIEW BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE. (Section 13.2(b)(3) of the Act)
- 4) THE PROJECT MEDICAL DIRECTOR'S SUSPENSION ORDER SHALL INCLUDE A NOTICE THAT THE EMT OR PROVIDER SHALL HAVE

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THE OPPORTUNITY FOR A HEARING BEFORE THE SYSTEM REVIEW BOARD, OR MAY ELECT TO BYPASS THE SYSTEM REVIEW BOARD AND SEEK DIRECT REVIEW OF THE PROJECT MEDICAL DIRECTOR'S SUSPENSION ORDER BY THE STATE EMS DISCIPLINARY REVIEW BOARD. (Section 13.2 of the Act).

Section 535.265 System Review Board

- 2) For suspensions which do not include a finding by the Project Medical Director of an imminent danger to the public, the Project Medical Director shall issue a written notice to the EMT or provider which includes a statement describing the reason(s) for the suspension, the terms of the suspension, and THE OPPORTUNITY FOR A HEARING BEFORE THE SYSTEM REVIEW BOARD PRIOR TO THE COMMENCEMENT OF THE SUSPENSION. (Section 13.2 of the Act).
- 3) The Project Medical Director shall designate a local System Review Board to provide a hearing to any individual or individual provider who is suspended from participation within the System.
- 4) The Project Medical Director shall prepare and post, in a 24-hour accessible location at the Resource Hospital, a System Review Board list for each category of provider within the System which contain the name of six (6) providers in that category. If the total number of providers in a particular category is less than six (6), the list for that category shall contain the names of all of the providers in that category.
- 5) THE PROJECT MEDICAL DIRECTOR SHALL ARRANGE FOR A CERTIFIED SHORTHAND REPORTER TO MAKE A STENOGRAPHIC RECORD OF A HEARING AND THEREAFTER PREPARE A TRANSCRIPT OF THE PROCEEDINGS (Section 13(f) of the Act).
- 6) THE TRANSCRIPT, ALL DOCUMENTS OR MATERIALS RECEIVED AS EVIDENCE DURING SUCH HEARING AND THE LOCAL SYSTEM REVIEW BOARD'S WRITTEN DECISION SHALL BE RETAINED IN THE CUSTODY OF THE EMS SYSTEM (Section 13(f) of the Act).
- 7) THE SYSTEM SHALL IMPLEMENT A DECISION OF THE LOCAL SYSTEM REVIEW BOARD UNLESS THAT DECISION HAS BEEN APPEALED TO THE STATE EMERGENCY MEDICAL SERVICES DISCIPLINARY REVIEW BOARD (Section 13(f) of the Act).
- 8) THE SYSTEM SHALL IMPLEMENT A DECISION OF THE STATE EMS DISCIPLINARY REVIEW BOARD WHICH HAS BEEN RENDERED IN ACCORDANCE WITH THE ACT AND THIS PART (Section 13(g) of the Act).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

a) The Project Medical Director shall prepare and post, in a 24-hour accessible location at the Resource Hospital, a System Review Board list for each category of provider within the System which contains the names of six (6) providers in that category. If the total number of providers in a particular category is less than six (6), the list for that category shall contain the names of all of the providers in that category.

b) Upon receipt of a Notice of Suspension from the Project Medical Director, the EMT or other provider shall have fifteen (15) days to request a hearing before the System Review Board, by submitting a written request to the PMD via certified mail. Failure to request a hearing with fifteen (15) days shall constitute a waiver of the right to a System Review Board Hearing.

c) Any EMS System participant suspended from participation by the Project Medical Director pursuant to Section 535.260(a) of this Part may request a hearing before that System's Review Board ("Board") within fifteen (15) days after the date of suspension. Such request shall be made in writing via certified mail to the Project Medical Director. The Project Medical Director shall notify the two (2) standing members of the Board that a hearing has been requested. The suspended participant shall be responsible for consulting the posted lists of providers which are described in Sections 535.10 and 535.260(c) of this Part. The suspended participant shall select from the appropriate list(s) the names of two (2) voting members and a chairperson. The Project Medical Director shall provide additional names, as needed, if the suspended participant is unable to satisfactorily select three (3) names from the initial list of six (6).

d) The Project Medical Director shall schedule the Board to meet within three (3) business days after the suspended participant has selected the three (3) remaining members of the Board. The Board shall review and consider any testimony and documentation related to the issue at hand which is offered by either party to the suspension issue. Both the suspended participant and the System may be represented by legal counsel. A copy of the hearing transcripts shall be made available to any party so requesting at the party's expense. The Board shall state in writing its decision to affirm, modify or reverse the suspension. Such decision shall be sent via certified mail or personal service to the suspended participant and to the Project Medical Director within five (5) business days after the conclusion of the hearing. The Board's decision shall be binding upon all parties, unless reversed or modified by the State EMS Disciplinary Review Board.

e) Upon receipt of a timely request for a System Review Board Hearing, the PMD shall notify the 2 standing members of the Board that a hearing has been requested. The provider requesting the hearing shall be responsible for consulting the posted lists of providers, and selecting the names of 2 voting members and a chairperson from the

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- provider's category. The PMD shall provide additional names, as needed, if the provider is unable to satisfactorily select 3 names from the initial list of 6.
- d) The PMD shall schedule the Board to meet within 3 business days after the provider has selected the 3 remaining members of the Board.
- e) The Board shall review and consider any testimony and documentation related to the suspension which is offered by either the PMD or the provider. Both the PMD and the provider may be represented by legal counsel.
- f) The Board shall state in writing its decision to affirm, modify or reverse the suspension order. Such decision shall be sent via certified mail or personal service to the PMD and the provider within 5 business days after the conclusion of the hearing.
- g) THE PROJECT MEDICAL DIRECTOR SHALL ARRANGE FOR A CERTIFIED SHORTHAND REPORTER TO MAKE A STENOGRAPHIC RECORD OF A HEARING AND THEREAFTER PREPARE A TRANSCRIPT OF THE PROCEEDINGS. (Section 13(f) of the Act). A copy of the hearing transcripts shall be made available to any party so requesting at that party's expense. THE TRANSCRIPT, ALL DOCUMENTS OR MATERIALS RECEIVED AS EVIDENCE DURING THE HEARING AND THE SYSTEM REVIEW BOARD'S WRITTEN DECISION SHALL BE RETAINED IN THE CUSTODY OF THE EMS SYSTEM (Section 13(f) of the Act).
- h) The Project Medical Director shall notify the Department, in writing, of a decision by the Review Board to either uphold or reverse the Project Medical Director's suspension of an individual or individual provider from participation within the System, within five (5) business days after the Board's decision. Such notice shall include a statement detailing the duration of and grounds for the suspension.
- i) A recommendation to the Illinois Department of Public Health by a Project Medical Director to deny, suspend or revoke the certification or license of a participant within an EMS System is not subject to the provisions of this Section, unless such recommendation forms the basis for suspension pursuant to Section 535.260(a) of this Part.
- j) THE SYSTEM SHALL IMPLEMENT A DECISION OF THE SYSTEM REVIEW BOARD UNLESS THAT DECISION HAS BEEN APPEALED TO THE STATE EMS DISCIPLINARY REVIEW BOARD (Section 13(f) of the Act).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.270 State EMS Disciplinary Review Board

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- a) The State Emergency Medical Services Disciplinary Review Board shall be composed of five (5) members and five (5) alternate members appointed by the Governor. THE 5 MEMBERS OF THE BOARD SHALL BE: A PROJECT MEDICAL DIRECTOR FROM A DEPARTMENT-APPROVED EMS SYSTEM, A HOSPITAL ADMINISTRATOR FROM A DEPARTMENT-APPROVED EMS SYSTEM, AN EMS COORDINATOR FROM A DEPARTMENT-APPROVED EMS SYSTEM, A LICENSED CERTIFIED EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P) AND A LICENSED CERTIFIED EMERGENCY MEDICAL TECHNICIAN - AMBULANCE (EMT-A) (Section 10.1 of the Act).
- b) THERE SHALL BE ONE ALTERNATE FOR EACH MEMBER OF THE BOARD, FROM THE SAME PROFESSIONAL CATEGORY AS THE MEMBER OF THE BOARD (Section 10.1 of the Act).
- c) OF THE MEMBERS FIRST APPOINTED TO THE STATE EMS DISCIPLINARY REVIEW BOARD BY THE GOVERNOR, ONE MEMBER SHALL BE APPOINTED FOR A TERM OF ONE YEAR. 2 MEMBERS SHALL BE APPOINTED FOR A TERM OF 2 YEARS AND 2 MEMBERS SHALL BE APPOINTED FOR A TERM OF 3 YEARS. THE TERMS OF SUBSEQUENT APPOINTEES SHALL BE 3 YEARS. ALL APPOINTEES SHALL SERVE UNTIL THEIR SUCCESSORS ARE APPOINTED. THE ALTERNATE MEMBERS SHALL BE APPOINTED AND SERVE IN THE SAME FASHION AS THE MEMBERS OF THE BOARD. IF A MEMBER RESIGNS HIS OR HER APPOINTMENT, THE CORRESPONDING ALTERNATE SHALL SERVE THE REMAINDER OF THAT MEMBER'S TERM UNTIL A SUBSEQUENT MEMBER IS APPOINTED BY THE GOVERNOR (Section 10.1 of the Act).
- d) THE FUNCTION OF THE STATE EMS DISCIPLINARY REVIEW BOARD IS TO REVIEW AND AFFIRM, REVERSE OR MODIFY THE DECISION OF A LOCAL SYSTEM REVIEW BOARD TO AFFIRM OR REVERSE A PROJECT MEDICAL DIRECTOR'S ORDERS TO SUSPEND AN EMT INDIVIDUAL OR OTHER INDIVIDUAL PROVIDER FROM PARTICIPATING WITHIN AN EMS SYSTEM (Section 10.2 (a) of the Act).
- e) AN EMT OR OTHER PROVIDER WHO HAS BEEN SUSPENDED BY A PROJECT MEDICAL DIRECTOR FOR REASONS DIRECTLY RELATED TO PATIENT CARE MAY REQUEST THE BOARD TO REVERSE OR MODIFY THE SUSPENSION ORDER. SUCH A REQUEST SHALL BE MADE IN WRITING BY CERTIFIED MAIL TO THE CHIEF OF THE DEPARTMENT'S DIVISION OF EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY, SPRINGFIELD, ILLINOIS, WITHIN 10 DAYS AFTER RECEIVING THE PROJECT MEDICAL DIRECTOR'S SUSPENSION ORDER. A COPY OF THE PMD'S WRITTEN SUSPENSION ORDER SHALL BE ENCLOSED. (Section 10.2(b) of the Act.)

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(e) A SUSPENDED EMT OR OTHER PROVIDER WHOSE SUSPENSION WAS AFFIRMED OR MODIFIED BY A LOCAL SYSTEM REVIEW BOARD MAY REQUEST THE BOARD TO REVERSE OR MODIFY THE LOCAL BOARD'S DECISION, AND A PROJECT MEDICAL DIRECTOR WHOSE SUSPENSION ORDER WAS REVERSED OR MODIFIED BY A LOCAL SYSTEM BOARD MAY REQUEST THE BOARD TO REVERSE OR MODIFY THE LOCAL BOARD'S DECISION. SUCH A REQUEST FOR REVIEW BY THE STATE EMS DISCIPLINARY REVIEW BOARD SHALL BE MADE IN WRITING BY CERTIFIED MAIL TO THE CHIEF OF THE DEPARTMENT'S DIVISION OF EMERGENCY MEDICAL SERVICES AND HIGHWAY SAFETY, SPRINGFIELD, ILLINOIS, WITHIN 10 DAYS AFTER RECEIVING THE LOCAL BOARD'S DECISION. A COPY OF THE LOCAL BOARD'S DECISION SHALL BE ENCLOSED. REQUESTS FOR REVIEW SHALL ONLY BE MADE BY A SYSTEM PARTICIPANT WHOSE SUSPENSION WAS AFFIRMED BY THE LOCAL BOARD OR BY A PROJECT MEDICAL DIRECTOR WHOSE SUSPENSION ORDER WAS REVERSED BY THE LOCAL BOARD (Section 10.2 (c) (4) of the Act).

(g) UPON RECEIPT OF A VALID REQUEST FOR REVIEW, THE DEPARTMENT SHALL NOTIFY THE MEMBERS OF THE BOARD AS WELL AS THE ALTERNATES FOR BOARD MEMBERS WHO ARE UNAVAILABLE. A QUORUM SHALL CONSIST OF 3 MEMBERS OR ALTERNATES AND SHALL INCLUDE THE PROJECT MEDICAL DIRECTOR BOARD MEMBER OR ALTERNATE. THE BOARD SHALL MEET WITHIN 14 DAYS AFTER THE DEPARTMENT RECEIVES THE REQUEST FOR REVIEW, OR AS SOON THEREAFTER AS THE PROJECT MEDICAL DIRECTOR BOARD MEMBER OR ALTERNATE IS AVAILABLE. THE BOARD SHALL MEET IN CHICAGO OR SPRINGFIELD, WHICHEVER LOCATION IS CLOSER TO THE INVOLVED EMS SYSTEM (Section 10.2 (d) (4) of the Act).

(hg) AT EACH MEETING OF THE BOARD, THE MEMBERS OR ALTERNATES PRESENT AT THE MEETING SHALL SELECT A CHAIRPERSON TO CONDUCT THE MEETING. THE BOARD SHALL REVIEW THE TRANSCRIPTS, EVIDENCE AND WRITTEN DECISION OF THE LOCAL REVIEW BOARD, OR THE WRITTEN DECISION AND SUPPORTING DOCUMENTATION OF THE PMD, WHICHEVER IS APPLICABLE. THE SUSPENDED PARTICIPANTS AND THE PROJECT MEDICAL DIRECTOR SHALL EACH HAVE THE OPPORTUNITY TO PRESENT A WRITTEN STATEMENT SPECIFYING WHY THE LOCAL REVIEW BOARD'S DECISION OR THE PMD'S SUSPENSION ORDER SHOULD BE AFFIRMED, REVERSED, OR MODIFIED. THE BOARD SHALL ALLOW SUCH TESTIMONY AND NEW EVIDENCE AS IT DEEMS NECESSARY TO DETERMINE WHETHER THE LOCAL BOARD'S DECISION OR THE PMD'S SUSPENSION ORDER WAS SUPPORTED BY THE WEIGHT OF THE EVIDENCE. THE PROJECT

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MEDICAL DIRECTOR SHALL PROVIDE THE BOARD WITH THE TRANSCRIPT, EVIDENCE AND WRITTEN DECISION OF THE LOCAL REVIEW BOARD OR THE SUPPORTING DOCUMENTATION ON WHICH HIS OR HER SUSPENSION ORDER WAS BASED, WHICHEVER IS APPLICABLE. THE PROJECT MEDICAL DIRECTOR SHALL ARRANGE FOR A CERTIFIED SHORTHAND REPORTER TO MAKE A STENOGRAPHIC RECORD OF THE BOARD'S MEETING AND THEREAFTER PREPARE A TRANSCRIPT OF THE PROCEEDINGS (Section 10.2 (e) (4) of the Act).

(ih) AT THE CONCLUSION OF ANY TESTIMONY OR PRESENTATION OF NEW EVIDENCE, THE BOARD SHALL MEET IN A CLOSED SESSION TO REACH A DECISION. THE BOARD MAY CONTINUE ITS MEETING TO ANOTHER DATE FOR FURTHER DELIBERATION; HOWEVER, THE BOARD SHALL RENDER A DECISION NOT MORE THAN 28 DAYS AFTER THE FIRST MEETING DATE. ON A FORM PROVIDED BY THE DEPARTMENT, THE CHAIRPERSON OF THE MEETING SHALL STATE THE BOARD'S DECISION TO AFFIRM, REVERSE OR MODIFY THE DECISION OF THE LOCAL REVIEW BOARD OR THE PMD'S SUSPENSION ORDER, WHICHEVER IS APPLICABLE, AND STATE THE BASIS FOR THE BOARD'S DECISION. THE CHAIRPERSON SHALL WITHIN FIVE WORKING DAYS SUBMIT THE BOARD'S WRITTEN DECISION, TOGETHER WITH THE TRANSCRIPTS, EVIDENCE AND OTHER MATERIALS FROM THE MEETING, TO THE DEPARTMENT. THE DEPARTMENT SHALL WITHIN FIVE WORKING DAYS ISSUE A COPY OF THE BOARD'S DECISION TO ALL AFFECTED PARTIES (Section 10.2 (f) (4) of the Act).

(j) THE SYSTEM SHALL IMPLEMENT A DECISION OF THE STATE EMS DISCIPLINARY REVIEW BOARD WHICH HAS BEEN RENDERED IN ACCORDANCE WITH THE ACT AND THIS PART (Section 13(g) of the Act).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE (EMT-A)

Section 535.310 EMT-A Testing

- a) After completion of an approved training program, EMT-A candidates shall take a written examination. The candidate shall have the choice of taking either the National Registry of Emergency Medical Technicians examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.
- b) The Department or designee shall administer the National Registry examination or the

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State written examination for ~~certification~~ of EMT-As licensure at least once each quarter and at a location in each administrative region in the State.

- c) All EMT-A candidates shall hold a high school diploma or high school equivalency certificate and be eighteen (18) years of age or older in order to be tested for licensure ~~certification~~.
- d) A failure rate per class of 25% or greater on the licensure ~~certification~~ examination shall require that the particular EMT-A training program be reevaluated by the Department at least sixty (60) days before the start of the next class.
- e) Failure to achieve a passing grade on three successive examinations within 12 months of the completion of the Training Program shall require the candidate to retake the EMT-A training program.
- f) When a candidate elects to take the State examination or the National Registry's examination, the candidate must successfully complete that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.315 Fee For Testing

- a) Each EMT-A candidate making application for the Department's written examination for licensure ~~certification~~ is required to submit a fee of Ten Dollars (\$10.00). This fee is to be paid by certified check or money order. Cash will not be accepted.
- b) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in the forfeiture of the examination fee.
- c) If an EMT-A candidate does not achieve a passing grade on the written examination, the fee for the retest is the same as for initial examination.
- d) All fees submitted for licensure ~~certification~~ examinations are not refundable.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.320 EMT-A Licensure ~~Certification~~

- a) In order to be licensed ~~certified~~ by the Department as an EMT-A an individual must pass the National Registry of Emergency Medical Technicians Examination or the Department's EMT-A examination.

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- b) The Department will license ~~certify~~ those individuals who meet the requirements of this Section for a period of two (2) years.

- c) A licensed EMT-A shall perform only those life support services covered by the EMT-A training and testing required by this Part. Only EMT-As who have been approved by their EMS System Project Medical Director to operate an automatic defibrillator, pursuant to Section 535.216 of this Part, shall be allowed to do so.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.330 EMT-A Relicensure ~~Recertification~~

- a) In order to be relicensed ~~recertified~~ as an EMT-A,
 - 1) The holder of a ~~certification~~ ~~as an~~ EMT-A licensee must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year license ~~certification~~ expiration date.
 - 2) Written documentation must be provided to the Department by the Project Medical Director or the Regional EMS Coordinator regarding completion of the following requirements:
 - A) Successfully completing a twenty (20) hour refresher training program.
 - B) A current CPR certificate, which covers:
 - i) Adult one-rescuer CPR
 - ii) Adult foreign body airway obstruction management
 - iii) Pediatric one-rescuer CPR
 - iv) Pediatric foreign body airway obstruction management
 - v) Adult two-rescuer CPR
 - vi) Pediatric two-rescuer CPR

- C) Forty (40) hours of continuing education, seminars and workshops plus any System continuing education requirements for EMT-As approved to operate an automatic defibrillator. No more than twenty-five percent (25%) of those hours may be in the same subject.

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- b) Composition of refresher training programs and qualifications of instructors shall be approved by the Department not less than sixty (60) days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and based upon the program content relevancy for EMT-A's. Qualifications of instructors shall be consistent with Section 535.300 (e) and (f).

- c) The ~~license certificate~~ of an EMT-A who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the license certificate.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.340 Failure to Renew ~~Recertify~~ - Denial of Relicensure Recertification

Every ~~holder of a certificate as an~~ EMT-A licensee who either fails to apply for renewal ~~recertification~~ prior to the expiration of the license certificate, whose application for renewal ~~recertification~~ is denied by the Department, or whose license certificate has been revoked by the Department shall be required to retake the training program and tests and pay the fees as required for initial licensure certificate, in order to be relicensed recertified.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE (EMT-I)

Section 535.400 Emergency Medical Technician - Intermediate Training - General

- a) An EMT-I training program shall only be conducted by an EMS System.
- b) Applications for approval of EMT-I Training Programs shall be filed with the Department on forms prescribed, prepared and furnished by the Department. The application shall contain such information as, but not limited to, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of training program, name and signature of the Project Medical Director and EMS System Coordinator.
- c) Applications for approval shall be submitted at least sixty (60) days in advance of the first scheduled class.
- d) The Project Medical Director of the EMS System shall attest on the Department's application form that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. Minimum sections shall include #1 through #8. ~~EMS Systems intending to train and approve~~

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~~EMT is to defibrillate shall include Section #9. Department approval shall be obtained prior to implementing a system program for training EMT is in defibrillation and approving such EMT is to defibrillate. Approval shall be based on conformance with Section #9 of the United States Department of Transportation National Standard Curriculum.~~

- e) The EMT-I training program shall be under the direction of the Project Medical Director and the EMS System Coordinator.
- f) The EMS system shall designate a Lead Instructor, who shall be approved by the Department based on the requirements of Section 535.400 (g).
- g) The Lead Instructor shall be an EMT-I, an EMT-P, a Registered Nurse or a physician and shall have three (3) years of experience in emergency care as a provider and two (2) years of teaching experience in a classroom setting.
- h) Any changes in the EMT-I training program's Project Medical Director, EMS System Coordinator and/or Lead Instructor shall require the application process as outlined in Section 535.400 (h).

- i) A candidate for an EMT-I training program must have a current Illinois EMT-A license, ~~the following qualifications:~~

1) ~~Current Illinois certification as an EMT-A.~~

2) ~~Pre-employment sponsorship by employment by, or documentation of functioning within a State approved EMS vehicle agency providing intermediate life support services.~~

- j) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience and internship needs.

- k) Each approved training program shall submit a student roster within ten (10) days after the first class.

- l) After an EMT-I candidate has completed and passed all components of the training program, the PMD shall submit to the Department a transaction card (form No. IDPH-DP.01, 1-85) concerning that individual.

- m) All approved programs shall maintain class and student records for seven (7) years and these shall be made available to the Department upon request.

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.410

EMT-I Testing

- a) After completion of an approved training program, EMT-I candidates shall take a written examination. The candidate shall have the choice of taking either the National Registry of Emergency Medical Technicians examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.

- b) The Department or designee shall administer the State written examination for ~~certification~~ of EMT-I licensure on a semi-annual schedule. Candidates who elect to take the National Registry of Emergency Medical Technicians examination in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.

- c) A failure rate per class of 25% or greater on the licensure ~~certification~~ examination shall require that the particular EMT-I training program be reevaluated by the Department at least sixty (60) days before the start of the next class.

- d) Failure to achieve a passing grade on three successive examinations within 12 months of the completion of the Training Program shall require the candidate to retake the EMT-I training program.

- e) When a candidate elects to take the State examination or the National Registry's examination, the candidate must successfully complete that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.

- f) ~~EMS Systems intending to authorize defibrillation by EMT-I who have completed the training described in Section 535.400(b) of this Part shall require the EMT-I to pass both a written and a practical examination prior to receiving such authorization. The examinations shall be developed and evaluated by the Project Medical Director or designee. The Project Medical Director shall approve an EMT-I for defibrillation if such examinations reflect that the EMT-I possesses the required knowledge and skills to safely and effectively defibrillate.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.415

Fee For Testing

- a) Each EMT-I candidate making application for the Department's written examination for licensure ~~certification~~ is required to submit a fee of Fifteen Dollars (\$15.00). This

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fee is to be paid by certified check or money order. Cash will not be accepted.

- b) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in the forfeiture of the examination fee.

- c) If an EMT-I candidate does not achieve a passing grade on the written examination, the fee for the retest is the same as for initial examination.

- d) All fees submitted for licensure ~~certification~~ examinations are not refundable.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.420

EMT-I Licensure Certification

- a) In order to be licensed ~~certified~~ by the Department as an EMT-I, an individual must:

- 1) Pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-I examination.

- 2) Complete a field internship on a State-approved EMS System vehicle, supervised by an EMT-I or EMT-P with one year of experience, a Registered Professional Nurse designated by the Project Medical Director, or a physician with critical care knowledge and experience on an EMS vehicle.

- A) The length and structure of the field internship shall be determined by the PMD for the System in which the internship is performed, based upon the types and frequencies of emergency calls encountered by EMT-I's within that System, but shall include a minimum of five (5) Intermediate Life Support runs.

- B) The field internship shall be completed within six (6) months after passing the EMT-I examination. If an extension of time is needed due to hardship, a waiver shall be sought pursuant to Section 535.750 of this Part, prior to the end of the six-month period.

- C) An EMT-I candidate who completes the internship after the six-month period, pursuant to waiver, shall be given a practical examination by the PMD. Such examination shall cover patient assessment and appliance application at the EMT-I level.

- D) The PMD shall notify the Department, in writing, when an EMT-I candidate has completed the field internship and passed a practical examination, if applicable.

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- 3) Be ~~employed by or~~ functioning within a State-approved EMS System ~~vehicle agency (e.g., volunteer fire department)~~ providing intermediate life support services, as verified by that System's Project Medical Director ~~PMD~~.
- b) The Department will license ~~certify~~ those individuals who meet the requirements of this Section for a period of two (2) years.
- c) A licensed EMT-I shall perform only those life support services covered by the EMT-I training and testing required by this Part. Only EMT-Is who have ~~successfully completed a Department-approved training program and have been approved by their~~ the EMS System Project Medical Director to operate an automatic defibrillator, pursuant to Section 535.216 of this Part, will be allowed to ~~do so, defibrillate. (See Section 535-400)~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.430

EMT-I Relicensure Recertification

- a) In order to be ~~relicensed~~ recertified as an EMT-I,

1) The ~~holder of a certificate as an~~ EMT-I licensee must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year license certification expiration date.

A) The submission of a transaction card (Form No. IDPH-DP .01 1-85) by the Project Medical Director will satisfy the renewal application requirement for a licensee certificate-holder who has been recommended for relicensure recertification by the Project Medical Director.

B) A licensee certificate-holder who has not been recommended for relicensure recertification by the Project Medical Director must independently submit to the Department an application for renewal. The Project Medical Director shall provide the licensee certificate holder with a copy of the appropriate form to be completed.

2) A written recommendation signed by the Project Medical Director must be provided to the Department regarding completion of the following requirements:

- A) Successfully completing a twenty (20) hour refresher training program.
- B) A current CPR certificate which covers:

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- i) Adult one-rescuer CPR
- ii) Adult foreign body airway obstruction management
- iii) Pediatric one-rescuer CPR
- iv) Pediatric foreign body airway obstruction management
- v) Adult two-rescuer CPR
- vi) Pediatric two-rescuer CPR.
- C) Forty-eight (48) hours of continuing education, seminars and workshops, twelve (12) hours of which were directed at the intermediate skills, plus any System continuing education requirements for EMT-Is approved to operate an automatic defibrillator ~~defibrillate~~.
- D) ~~Employment by or~~ Efunctioning within with a State approved EMS System ~~vehicle agency~~ providing intermediate life support services as verified by that System's Project Medical Director.
- b) Composition of refresher training programs and qualifications of instructors and continuing education programs shall be submitted to the Department for approval not less than sixty (60) days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and contains material relevant to EMT-I's. Qualifications of instructors shall be consistent with Section 535.400(f).
- c) Upon denial of recommendation for relicensure recertification, the Project Medical Director shall submit all reasons for denial. This denial shall be in writing and sent to the EMT-I and the Department.
- d) The licensee certification of an EMT-I who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the license certificate.
- e) At any time prior to the expiration of the current license certificate, the EMT-I may revert to the EMT-A status for the remainder of the license certification period. The EMT-I must make this request in writing to the Department. To relicense recertify at the EMT-A level, the individual must meet the requirements for relicensure recertification found in Section 535.330 of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 535.435 Failure to Renew ~~Recertify~~ Denial of Relicensure Recertification

Every ~~holder of a certificate as an~~ EMT-I licensee who either fails to apply for renewal ~~recertification~~ prior to the expiration of the license ~~certificate~~, whose application for renewal ~~recertification~~ is denied by the Department, or whose license ~~certificate~~ has been revoked by the Department shall be required to retake the training program and tests and pay the fees as required for initial licensure ~~certification~~, in order to be relicensed ~~recertified~~.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.440 EMT-I Inactive Status

- a) Prior to the end of the two year license period ~~certification status~~, an EMT-I may request to be placed on inactive status. The request shall be made in writing to the Project Medical Director. The Project Medical Director will apply to the Department in writing and request that the EMT-I be placed on inactive status. This application shall contain the following information:

- 1) Name of individual.
- 2) Date of licensure ~~certification~~.
- 3) EMT identification number.
- 4) Circumstances requiring inactive status.
- 5) Length of time of inactive status.
- 6) A statement that licensure ~~recertification~~ requirements have been met by the date of the application for inactive status.

- b) The Department will review requests for inactive status. The Department shall notify the Project Medical Director in writing of its decision based on Section 535.440(a).

- c) In order for the EMT-I to return to active status, the Project Medical Director must make application to the Department. The application must be in writing and include a statement that the EMT has been examined (physically and mentally) and found capable of functioning within the EMS System and that the EMT-I's knowledge and clinical skills are at an active EMT-I level.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC (EMT-P)

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Section 535.500 Emergency Medical Technician - Paramedic Training - General

- a) An EMT-P training program shall only be conducted by an EMS System.
- b) Applications for approval of EMT-P training programs shall be filed with the Department on forms prescribed, prepared and furnished by the Department. The application shall contain such information as, but not limited to, name of applicant, agency and address, type of training program, Project Medical Director's and EMS System Coordinator's name, dates of training program, signature of Project Medical Director and EMS System Coordinator.
- c) Applications for approval shall be submitted at least sixty (60) days in advance of the first scheduled class.
- d) The Project Medical Director of the EMS System shall attest that the training program shall be conducted according to the United States Department of Transportation's National Standard Curriculum. The EMT-P training program shall include all components of the National Standard Curriculum.
- e) The EMT-P training program's lead coordinators shall be the Project Medical Director and the EMS System Coordinator.
- f) Any change in the EMT-P training program's Project Medical Director and/or EMS System Coordinator shall require the application process as outlined in subsection (b).
- g) A candidate for an EMT-P training program must have a current Illinois ~~certification~~ ~~as an~~ EMT-A or EMT-I license.
- h) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience and internship needs.
- i) Each approved training program shall submit a student roster within ten (10) days after the first class.
- j) After an EMT-P candidate has completed and passed all components of the training program, the PMD shall submit to the Department a transaction card (form No. IDPH-DP-01, 1-85) concerning that individual.
- k) All approved programs shall maintain class and student records for seven (7) years and these shall be made available to the Department upon request.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 535.510 EMT-P Testing

- a) After completion of an approved training program, EMT-P candidates shall take a written examination. The candidate shall have the choice of taking either the National Registry of Emergency Medical Technicians examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.
- b) The Department or designee shall administer the State written examination for ~~certification of~~ EMT-Ps licensure on a semi-annual schedule. Candidates who elect to take the National Registry of Emergency Medical Technicians examination in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.
- c) Failure to achieve a passing grade on three successive examinations within 12 months of the completion of the Training Program shall require the candidate to retake the EMT-P training program.
- d) When a candidate elects to take the State examination or the National Registry's examination, the candidate must successfully complete that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.
- e) A failure rate per class of twenty-five (25%) percent or greater shall require that the particular EMT-P training program be reevaluated by the Department at least sixty (60) days prior to the start of the next class.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.515 Fee For Testing

- a) Each EMT-P candidate making application for the Department's written examination for licensure ~~certification~~ is required to submit a fee of Twenty-five Dollars (\$25.00). This fee is to be paid by certified check or money order. Cash will not be accepted.
- b) Failure to appear for the examination on the scheduled date, at the time and place specified, shall result in the forfeiture of the examination fee.
- c) If an EMT-P candidate does not achieve a passing grade on the written examination, the fee for the retest is the same as for initial examination.
- d) All fees submitted for licensure ~~certification~~ examinations are not refundable.

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(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.520 EMT-P Licensure ~~Certification~~

- a) In order to be licensed ~~certified~~ by the Department as an EMT-P an individual must:
 - 1) Pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-P examination, and
 - 2) Complete a field internship on a State-approved EMS System vehicle, supervised by an EMT-P with one year of experience, a Registered Professional Nurse designated by the Project Medical Director, or a physician with critical care knowledge and experience on an EMS vehicle.
- A) The length and structure of the field internship shall be determined by the PMD for the System in which the internship is performed, based on the types and frequencies of emergency calls encountered by EMT-Ps within that System, but shall include a minimum of ten (10) Advanced Life Support runs.
- B) The field internship shall be completed within twelve (12) months after passing the EMT-P examination. If an extension of time is needed due to hardship, a waiver shall be sought pursuant to Section 535.750 of this Part, prior to the end of the twelve-month period.
- C) An EMT-P candidate who completes the internship after the twelve-month period, pursuant to waiver, shall be given a practical examination by the PMD. Such examination shall cover patient assessment and appliance application at the EMT-P level.
- D) The PMD shall notify the Department, in writing, when an EMT-P candidate has completed the field internship and passed a practical examination, if applicable.
- 3) Be functioning within a State-approved EMS System providing advanced life support services, as verified by that System's Project Medical Director.
- b) The Department will license ~~certify~~ those individuals who meet the requirements of this Section for a period of two (2) years.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.530 EMT-P Licensure ~~Recertification~~

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a) In order to be relicensed ~~renewed~~ as an EMT-P,

1) The ~~holder of a certificate as an~~ EMT-P licensee must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year certification expiration date.

A) The submission of a transaction card (Form No. IDPH-DP .01 1-85) by the Project Medical Director will satisfy the renewal application requirement for a ~~licensee certificate-holder~~ who has been recommended for relicensure ~~recertification~~ by the Project Medical Director.

B) A ~~licensee certificate-holder~~ who has not been recommended for relicensure ~~recertification~~ by the Project Medical Director must independently submit to the Department an application for renewal. The Project Medical Director shall provide the licensee ~~certificate~~ holder with a copy of the appropriate form to be completed.

2) A written recommendation signed by the Project Medical Director must be provided to the Department regarding completion of the following requirements:

A) A minimum of forty (40) hours of continuing education in each of the last two (2) years, earned in accordance with the System's policies.

B) A current CPR certificate which covers:

- i) Adult one-rescuer CPR
- ii) Adult foreign body airway obstruction management
- iii) Pediatric one-rescuer CPR
- iv) Pediatric foreign body airway obstruction management
- v) Adult two-rescuer CPR
- vi) Pediatric two-rescuer CPR

C) Functioning within ~~with~~ a State approved EMS System ~~vehicle-agency~~ providing advanced life support services as verified by that System's Project Medical Director.

b) Upon denial of recommendation for relicensure ~~recertification~~, the Project Medical

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Director must submit all reasons for denial. This denial shall be in writing and sent to the EMT-P and the Department.

c) The ~~licensee certificate~~ of an EMT-P who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the ~~licensee certificate~~.

d) At any time prior to the expiration date of the current ~~licensee certificate~~, the EMT-P may revert to either the EMT-I or EMT-A status for the remainder of the ~~licensee certificate~~ period. The EMT-P must make this request in writing to the Department and the case of reduction to the EMT-I level, the request must include a letter of recommendation from the Project Medical Director. To ~~relicense~~ ~~recertify~~ at the EMT-A level, the individual must meet the requirements for relicensure ~~recertification~~ found in Section 535.330. To ~~relicense~~ ~~recertify~~ at the EMT-I level, the individual must meet the requirements for relicensure ~~recertification~~ found in Section 535.430.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.535 Failure to Renew ~~Recertify~~-Denial of Relicensure ~~Recertification~~

Every ~~holder of a certificate as an~~ EMT-P licensee who either fails to apply for renewal ~~recertification~~ prior to the expiration of the ~~licensee certificate~~, whose application for renewal ~~recertification~~ is denied by the Department, or whose ~~licensee certificate~~ has been revoked by the Department shall be required to retake the training program and tests and pay the fees as required for initial relicensure ~~recertification~~, in order to be relicensed ~~recertified~~.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 535.540 EMT-P Inactive Status

a) Prior to the end of the two year ~~license period~~ ~~certification status~~, an EMT-P may request to be placed on inactive status. The request shall be made in writing to the Project Medical Director. The Project Medical Director will apply to the Department in writing and request that the EMT-P be placed on inactive status. This application shall contain the following information:

- 1) Name of individual.
- 2) Date of relicensure ~~certification~~.
- 3) EMT identification number.
- 4) Circumstances requiring inactive status.

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- 5) Length of time of inactive status.
- 6) A statement that reciprocity requirements have been met by the date of the application for inactive status.
- b) The Department will review requests for inactive status. The Department shall notify the Project Medical director in writing of its decision based on subsection (a).
- c) In order for the EMT-P to return to active status, the Project Medical Director must make application to the Department. The application must be in writing and include a statement that the EMT has been examined (physically and mentally) and found capable of functioning within the EMS System, and that the EMT-P's knowledge and clinical skills are at an active EMT-P level.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART H: RECIPROCITY

Section 535.600 Reciprocity

- a) EMT's from other states who wish to function in Illinois as an Emergency Medical Technician may apply to the Department for reciprocity.
- b) Such application shall be in writing and contain the following information:
 - 1) Proof of current registration by the State in which they currently function and written verification from that State.
 - 2) A written statement of satisfactory completion of a training program that meets or exceeds the requirements of the Department as set forth in this Part.
 - 3) In the case of an EMT-I or EMT-P, a letter of recommendation from the Project Medical Director of the EMS System in which the individual will function.
 - 4) A current CPR Certification.

- c) The Department will review requests for reciprocity to determine compliance with the applicable provisions of this Part.
- d) Individuals who meet the requirements for reciprocity by reciprocity will be State licensed certified consistent with the expiration date of their current license but not to exceed a period of two (2) years.

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- e) Following reciprocity by reciprocity, the individual must comply with the requirements of this Part for reciprocity.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART I: SUSPENSION, REVOCATION AND DENIAL OF
LICENSE CERTIFICATION OF EMTsSection 535.650 Suspension, Revocation and Denial of License of EMTs

- a) The Director, after providing notice and an opportunity for an administrative hearing to the applicant or licensee, shall deny, suspend or revoke a license or refuse to reciprocity any person as an EMT-A, EMT-I or EMT-P in any case in which he or she finds that there has been a substantial failure to comply with the provision of the Emergency Medical Services (EMS) Systems Act or this Part. Such findings must show one or more of the following:

- 1) THE EMT-A, EMT-I, OR EMT-P HAS NOT MET CONTINUING AND ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS AS PRESCRIBED BY THE DEPARTMENT IN THIS PART;
- 2) THE EMT-A, EMT-I OR EMT-P HAS VIOLATED THIS ACT OR ANY RULE PROMULGATED UNDER THIS ACT;
- 3) THE EMT-A, EMT-I OR EMT-P HAS FAILED TO MAINTAIN PROFICIENCY IN PROVIDING BASIC OR INTERMEDIATE LIFE SUPPORT SERVICES, OR ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES OR REQUIRED SKILLS AS PRESCRIBED BY THE DEPARTMENT; ~~or~~
- 4) THE EMT-A, EMT-I OR EMT-P, DURING THE PROVISION OF EMERGENCY SERVICES, ENGAGED IN DISHONORABLE, UNETHICAL OR UNPROFESSIONAL CONDUCT OF A CHARACTER LIKELY TO DECEIVE; DEFRAUD OR HARM THE PUBLIC (e.g., use of alcohol or illegal drugs while on duty, verbal or physical abuse of a patient, or misrepresentation of certification or licensure status). (Section 10 (b)(4) of the Act; ~~or~~
- 5) THE EMT-A, EMT-I OR EMT-P IS PHYSICALLY IMPAIRED TO THE EXTENT THAT HE OR SHE CANNOT PHYSICALLY PERFORM THE EMERGENCY CARE AND LIFE SUPPORT FUNCTIONS FOR WHICH HE OR SHE IS LICENSED, AS VERIFIED BY A PHYSICIAN, UNLESS THE PERSON IS AN EMT-I OR EMT-P ON INACTIVE STATUS PURSUANT TO DEPARTMENT REGULATIONS (Section 10(b)(5) of the

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- 1) The applicant's name, address, and license or certification number (if applicable),
 - 2) The Section of this Part for which the waiver is being sought,
 - 3) An explanation of why the applicant considers compliance with the Section to be a hardship, including a description of how the applicant has attempted to comply with the Section,
 - 4) The period of time for which the waiver is being sought,
 - 5) An explanation of how the waiver will not reduce the standards of medical care established by the Act and this Part, and
 - 6) If the applicant is a System Participant, the applicant's Project Medical Director shall state in writing whether the PMD recommends or opposes the application for waiver, the PMD's reasons for such recommendation or opposition, and the PMD's statement of how the waiver will or will not reduce the standards of medical care established by the Act and this Part. The applicant shall submit the PMD's statements along with the application for waiver.
- c) A Project Medical Director may apply to the Department for a waiver on behalf of a System Participant, by submitting an application which contains all of the information required by subsection (b) of this Section, along with a statement signed by the System Participant requesting or authorizing the PMD to make such application.
- d) The Department shall review all requests for waivers which contain all of the information required by subsection (b) of this Section.
- e) The Department shall grant the requested waiver if it finds that:

- 1) The waiver will not reduce the standards of medical care established by the Act and this Part,
- 2) Full compliance with the regulation at issue is or would be a hardship on the applicant,
- 3) For an EMT seeking a waiver to extend a relicense ~~recertification~~ date in order to complete relicense ~~recertification~~ requirements,
 - A) The EMT has previously received no more than one (1) extension since his or her last relicense ~~recertification~~, and

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Act); or

q) THE EMT-A, EMT-I OR EMT-P IS MENTALLY IMPAIRED TO THE EXTENT THAT HE OR SHE CANNOT EXERCISE THE APPROPRIATE JUDGMENT, SKILL AND SAFETY FOR PERFORMING THE EMERGENCY CARE AND LIFE SUPPORT FUNCTIONS FOR WHICH HE OR SHE IS LICENSED, AS VERIFIED BY A PHYSICIAN, UNLESS THE PERSON IS AN EMT-I OR EMT-P ON INACTIVE STATUS PURSUANT TO DEPARTMENT REGULATIONS. (Section 10(b)(6) of the Act)

- b) "Substantial Failure", as used in this Section, means a failure other than a variance from the strict and literal requirements which results in unimportant omissions, given the particular circumstances involved.
- c) "Revocation", as used in this Section, means that the Department-issued license ~~certification~~ is terminated.
- d) "Suspension", as used in this Section, means that the Department-issued license ~~certification~~ is invalid for an identified period of time determined necessary to correct substantial failure.
- e) The Director shall suspend a license ~~certification~~ in any case in which he or she finds that the substantial failure by the licensee ~~certification-holder~~ can be corrected or remedied within an identified period of time determined necessary to correct the substantial failure prior to the expiration of the license ~~certification~~. If the substantial failure cannot be corrected or remedied within an identified period of time prior to the expiration of the license ~~certification~~, then the Director shall revoke the license ~~certification~~.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART K: WAIVER PROVISIONS

Section 535.750 Waiver Provisions

- a) THE DEPARTMENT MAY GRANT A WAIVER TO ANY PROVISION OF THIS PART FOR A SPECIFIED PERIOD OF TIME DETERMINED APPROPRIATE BY THE DEPARTMENT WHEN IT CAN BE DEMONSTRATED THAT THERE WILL BE NO REDUCTION IN STANDARDS OF MEDICAL CARE (Section 13.1 of the Act).
- b) An application for waiver shall be submitted in writing to the Department, and shall contain the following information:

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- B) The EMT has not established a pattern of seeking extensions (e.g. waivers sought based on the same type of hardship in two (2) or more previous ~~license certification~~ periods).
- 4) For an applicant other than an EMT,
- A) The applicant has previously received no more than one (1) waiver of the same regulation during the current license or designation year, and
- B) The applicant has not established a pattern of seeking waivers of the same regulation during previous license or designation years,
- C) Unless the Department finds that the hardship preventing compliance with the particular regulation is of an ongoing nature.
- f) When granting a waiver, the Department shall specify the regulation or portion thereof which is being waived, any alternate requirement which the waiver applicant shall meet, and any procedures or timetable which the waiver applicant shall follow in order to achieve compliance with the waived regulation.
- g) The Department shall determine the length of any waiver which it grants, based on the nature and extent of the hardship, and the medical needs of the community or areas in which the waiver applicant functions.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART L: REGISTERED PROFESSIONAL NURSES (FIELD RN/MICN)

Section 535.810 Field RN Training

- a) Applications for approval of Field RN training programs shall be filed with the Department on forms prescribed, prepared and furnished by the Department and similar to those prescribed for EMT-P training programs.
- b) Applications for approval shall be submitted at least thirty (30) days in advance of the first scheduled class.
- c) The Project Medical Director of the EMS System shall attest that the training program shall include:
- 1) A course in extrication training which is based upon the United States Department of Transportation, National Standard Curriculum for EMT-Ambulance,

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- 2) A course which is based upon the United States Department of Transportation, National Standard Curriculum for EMT-Paramedic, Division 1, Pre-Hospital Environment, Sections 1 through 7,
- 3) The American Heart Association Advanced Cardiac Life Support (ACLS) course or a course in dysrhythmia identification, therapeutic modalities, pharmacokinetics, intubation, defibrillation and management of cardiac resuscitation which is based upon the ACLS course,
- 4) A pre-hospital trauma course, which shall be EITHER TRAUMA NURSE SPECIALIST OR NURSE TRAUMA LIFE SUPPORT OR THEIR EQUIVALENTS AS APPROVED BY THE PROJECT MEDICAL DIRECTOR (Section 4.21 of the Act) and
- 5) Completion of the necessary field experience required by the program as approved by the Department on a State-approved EMS System vehicle supervised by a licensed ~~certified~~ EMT-P with a minimum of one year's experience, a Field RN with a minimum of one year's field experience, or a physician with critical care knowledge and experience on an EMS vehicle.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART N: ADMINISTRATIVE WARNINGS AND FINES

Section 535.1000

Administrative Warnings and Fines

- a) THE DIRECTOR SHALL INVESTIGATE COMPLAINTS THAT A FACILITY, PRE-HOSPITAL CARE PROVIDER OR SYSTEM PARTICIPANT HAS VIOLATED ANY PROVISION OF THE ACT OR ANY PROTOCOL, STANDARD OR RULE ADOPTED PURSUANT THERETO (Section 25(c) of the Act).
- b) If the Director finds that such a violation has occurred, he or she may issue to the facility, pre-hospital care provider or system participant a NOTICE OF ADMINISTRATIVE WARNING. Such notice shall include:
- 1) A description of the violation,
- 2) A citation to the section of the Act, rule, protocol or standard alleged to have been violated,
- 3) A description of any corrective action which the facility, pre-hospital care provider or System participant may take in order to abate the Notice of Administrative Warning, if any, and

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- 4) THE OPPORTUNITY TO REQUEST AN ADMINISTRATIVE HEARING prior to implementation of the Administrative warning, provided such request for a hearing is made within 15 DAYS AFTER MAILING OR SERVICE OF THE NOTICE (Sections 25 (c), (d) of the Act).

- c) In addition, the Director may issue a NOTICE OF FINE, under the following conditions:

- 1) IF THE DIRECTOR DETERMINES THAT THE VIOLATION CREATES OR CREATED A CONDITION OR OCCURRENCE PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM TO AN INDIVIDUAL WILL RESULT THEREFROM, THE DIRECTOR MAY IMPOSE A FINE NOT EXCEEDING \$10,000.

- 2) IF THE DIRECTOR DETERMINES THAT THE VIOLATION CREATES OR CREATED A CONDITION OR OCCURRENCE WHICH THREATENS THE HEALTH, SAFETY OR WELFARE OF AN INDIVIDUAL, THE DIRECTOR MAY IMPOSE A FINE NOT EXCEEDING \$5,000 (Section 25 (c) of the Act).

- 3) In determining the amount of a fine, the Director shall also consider the following factors:

- A) The severity of the actual or potential harm to an individual.
- B) The numbers and types of protocols, standards, rules or sections of the Act which were violated in the course of creating the condition or occurrence at issue.
- C) The reasonable diligence exercised by the facility, pre-hospital care provider or System participant to avoid the violation(s) or to reduce the potential harm to individuals.
- D) Efforts by the facility, pre-hospital care provider or System participant to correct the violation(s).
- E) Any previous violation(s) of a like or similar nature by the facility, pre-hospital care provider or System participant, and
- F) Any financial benefit to the facility, pre-hospital care provider or System participant of continuing the violation(s).

- 4) The Notice of Fine shall include:

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- A) A description of the violation(s) for which the fine is being imposed.
- B) A citation to the sections of the Act, rules, protocols or standards alleged to have been violated.
- C) The amount of the fine.
- D) THE OPPORTUNITY TO REQUEST AN ADMINISTRATIVE HEARING prior to imposition of the fine, provided such request for a hearing is made within 15 DAYS AFTER MAILING OR SERVICE OF THE NOTICE (Sections 25 (c), (d) of the Act).

- 5) All fines shall be paid to the Department within the following time periods:

- A) If the fine is not contested, no later than 10 days after the Notice of Fine.
- B) If the fine is contested under Section 25(d) of the Act, no later than 10 days after receipt of the Director's Final Order, unless the facility, pre-hospital care provider or System participant appeals the Director's Final Order pursuant to the provisions of the Administrative Review Law and the reviewing court issues an order staying the Director's Final Order.

- d) For purposes of this Section,

- 1) "FACILITY" MEANS A TRAUMA CENTER, RESOURCE HOSPITAL, ASSOCIATE HOSPITAL, PARTICIPATING HOSPITAL, OR ANOTHER HOSPITAL.
- 2) "PRE-HOSPITAL CARE PROVIDER" MEANS an ambulance service provider or specialized emergency medical service vehicle which IS NOT OWNED, OPERATED, LICENSED OR REGULATED BY ANY UNIT OF LOCAL GOVERNMENT, or an Emergency Technician-Ambulance (EMT-A) who is not affiliated with an EMS System.
- 3) "SYSTEM PARTICIPANT" MEANS an EMS System Coordinator, Associate Hospital EMS Medical Director, or Field RN, MICN or physician serving on an ambulance or giving voice orders to field personnel. (Section 25(c) of the Act).

(Source: Added at 16 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

The Illinois Water Well and Pump Installation Contractor's License Act

2) Code Citation:

77 Ill. Adm. Code 915

3) Section Numbers:

915.10
915.20
915.40
915.50

Proposed Action:

Amendment
Amendment
New Section
New Section

4) Statutory Authority:

Illinois Water Well and Pump Installation Contractor's License Act
Ill. Rev. Stat. 1989, ch. 111, par. 7101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

Section 915.10. This amendment clarifies examination application requirements for registration as a licensed water well contractor and/or water well pump installation contractor.

Section 915.20. This amendment clarifies examination passing requirements for a combination licensed water well contractor and water well pump installation contractor.

Section 915.40. This new Section establishes supervision requirements for individuals applying to take the examination for registration as a licensed water well contractor and/or water well pump installation contractor.

Section 915.50. This new Section establishes requirements for non-licensed individuals who perform labor and services in connection with the drilling of a water well and the installation or repair of any water well pump or equipment.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

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8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Policy Objectives:

None.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Licensed Water Well Drillers and Pump Installers

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

Licensed as a water well driller or pump installer.

The full text of the Proposed Amendments begins on the next page:

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

PART 915
The Illinois Water Well and Pump Installation
Contractor's License Act Code

Section	
915.10	Applications
915.20	Examinations Requirements
915.30	Statutory Authority
915.40	Supervision
915.50	Licensed Contractor Responsibility

AUTHORITY: Implementing and authorized by the Illinois Waterwell and Pump Installation Contractor's License Act (Ill. Rev. Stat. 1989, ch. 111, pars. 7101 et seq.).

SOURCE: Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926, amended at 16 Ill. Reg. _____, effective _____.

Section 915.10 Applications

- a) An application for examination for registration as a licensed water well contractor and/or water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least 30 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:

- 1) name and address of the applicant;
- 2) age of the applicant;
- 3) a statement that the applicant is a citizen of the United States or has declared his intention to become a citizen of the United States; and
- 4) employment records, W-2's, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days.

- b) A recent photograph shall comprise a part of the application form and be made a

DEPARTMENT OF PUBLIC HEALTH

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permanent record.

- c) Affidavits by three responsible persons as to the applicant's moral character, honesty and integrity shall be made a part of the application form and become a permanent record.
- d) Affidavits from previous and current employers must accompany the application indicating the dates during which the applicant was employed, and locations of previous jobs the applicant performed, verifying that the applicant was engaged in water well or water pump installation work and that he performed this work under the supervision of a licensed contractor. The names and addresses of previous employers shall be included. These affidavits shall be made a part of the application form and become a permanent record.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 915.20 Examinations Requirements

- a) Photograph. A recent photograph of the applicant must be personally presented by the applicant at the time of the examination.

- b) Examination. The examination shall be written and consist of four parts prepared by the licensing board. The four parts shall be the following: questions on the subjects outlined in Section 6(a) of the Act; each subject to be graded on the basis of 100.

- c) To be successful an applicant must make an average grade of not less than 75 with no grade below 60.

- d)

+) The Board shall prepare questions on the following subjects:

- 1A) general knowledge of well drilling industry;
- 2B) general knowledge of pump installation industry;
- 3C) wells; and
- 4D) pumps.

- c) Passing Grade

- 2) Applicants desiring a water well contractor license will be required to successfully pass parts 1 A and 3 C as described in subsection 915.20(b). Applicants desiring a water well pump installation contractor license will be required to successfully pass parts 2 B and 4 D as described in subsection

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

915.20(b). Applicants desiring licensure for both will be required to successfully pass all parts ~~portions~~. The examination shall consist of questions with a combined grade value of 100 points in each part. In order to successfully pass the examination, a grade of not less than 75 must be obtained after averaging the results of the questions from each part taken. However, the applicant must obtain a grade of not less than 70 in each part of the examination.

- d) Failure to Pass. An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 915.10. e) An applicant who fails his first examination will be required in his second or third examinations to retake only those parts subjects in which he received a grade of less than 75. f) If the applicant is admitted to a fourth or subsequent examinations, he will be required to take an examination in all parts ~~subjects covered by Section 6(a) of the Act~~.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 915.40 Supervision

An applicant for a water well pump installation contractor's license, a water well contractor's license, or a water well and pump installation contractor's license shall have worked at the trade for two years at the direction and under the supervision of an Illinois licensed water well pump installation contractor, a water well contractor, or a water well and pump installation contractor respectively. The Department shall consider two years to mean a minimum of 420 working days. Credit for experience and work performed under the supervision of individuals licensed by another state shall only be allowed when the Department has determined that the requirements for licensure in that other state are equal to those of the Department. The Department shall establish and publish a list of those states. Supervision shall be performed by licensed contractors in accordance with Section 915.50.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 915.50 Licensed Contractor Responsibility

- a)

Water Well Construction. An individual who is not licensed under the Act may perform labor and services in connection with the drilling of a water well, provided such labor and services are performed at the direction and under the personal supervision of a licensed Water Well Contractor or a licensed Water Well and Pump Installation Contractor. In order for the licensed contractor to perform personal supervision, he must visit the work site at least once, and as often as necessary, to assure that the unlicensed individual is performing work in compliance with the Illinois Water Well Construction Code (77 Ill. Admin. Code 920). The licensed contractor shall visit the work site when requested to be present by the Department.

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The Department may make such a request when previous inspections have shown that the unlicensed individual has performed work that is not in compliance with the Water Well Construction Code. Where such work is performed by an unlicensed individual, under the supervision of a licensed contractor, the licensed contractor shall sign the water well construction report and indicate that he has personally supervised the work and indicate the name of the unlicensed person supervised.

- b) Water Well Pump Installation. An individual who is not licensed under the Act may perform labor and services in connection with the installation or repair of any water well pump or equipment provided such labor and services are performed at the direction and under the personal supervision of a licensed Water Well Pump Installation Contractor or a licensed Water Well and Pump Installation Contractor. In order for the licensed contractor to perform personal supervision, the contractor must be present on the site at least once and as often as necessary, when the pitless adapter and pump are installed in a new water well, or when a pump of a different capacity is installed in an existing water well, to assure that the unlicensed individual is performing work in compliance with the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). The licensed contractor shall visit the work site when requested to be present by the Department. The Department may make such a request when previous inspections have shown that the unlicensed individual has performed work which is not in compliance with the Illinois Water Well Pump Installation Code.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Outstanding Tickets

- 2) Code Citation: 11 Ill. Adm. Code 434

- 3) Section Numbers Proposed Action

434.05	New Section
434.10	Amendment
434.20	Amendment
434.40	Amendment

- 4) Statutory Authority: 111. Rev. Stat. 1991, ch. 8, par. 37-9(b).

- 5) A complete description of the subjects and issues involved: Pursuant to an amendment to the Illinois Horse Racing Act, an outstanding ticket will be honored only until December 31 of the year following its purchase. Section 434.05 was added to reflect the statutory change. The requirement of submitting the magnetic tape used to print the outs books was removed from Section 434.10 and added to Section 434.20. The requirement of having a pari-mutuel auditor present when the outs account was removed was deleted from Section 434.20. Section 434.40 was amended to reflect the statutory requirement of payment and submission of outs accounts by January 10 of the calendar year.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed amendments contain incorporation by reference? No.

- 9) Are there any other proposed amendments pending in this Part? No.

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 5, 1992
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

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ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 434

OUTSTANDING TICKETS

Section	Outstanding Tickets
434.05	End of Meeting Report
434.10	Removal of the Outs Account
434.20	Alternative Procedure
434.30	APR 11/10/Payments
434.40	

AUTHORITY: Implementing Section 26(c) and authorized by Sections 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, pars. 37-26(c) and 37-9(b)).

SOURCE: Adopted at 11 Ill. Reg. 12370, effective July 18, 1987; amended at 16 Ill. Reg. _____, effective _____.

Section 434.05 Outstanding Tickets

An outstanding pari-mutuel ticket shall be valid only until December 31 of the calendar year following its purchase.

(Source: Added at 16 Ill. Reg. _____, effective _____.)

Section 434.10 End of Meeting Report

Within ten days after the close of each race meeting, the organization licensee shall:

- a) remove its outs liability account from the totalizer system computer and deliver to the Illinois Racing Board (Board) a report of its outstanding ticket liability (the "outs" book), as provided in Section 434.20/and a copy of the magnetic tape used to generate the outs book; or
- b) comply with Section 434.30.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 434.20 Removal of the Outs Account

a) The organization licensee shall notify in writing the State Director of Mutuels at least three week days prior to the day and time that the outs liability account is to be removed from the totalizer system.

b) No/outs/liability/account/shall/be/removed/from/the/totalizer/system/mutuels/pari-mutuel/additor/is/president/

b) The outs book shall include:

- 1) the date of the race;
- 2) the denominations of each outstanding ticket;
- 3) the pay-offs; and
- 4) the unique serial number of each outstanding ticket.

"Unique" is defined in 11 Ill. Adm. Code 433.260.

c) Only two sets of outs books shall be printed at the time the outs liability account is removed from the computer system. No subsequent sets of the outs book shall be printed without written approval by the Board requested in compliance with 11 Ill. Adm. Code 206.10 (written request must be made 15 days in advance of the Board meeting at which the request is to be heard). Approval shall be given for good cause shown, e.g., when an original has been destroyed.

d) A copy of the magnetic tape used to generate the outs books shall be provided to the Board.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 434.40 April 10/Payments

a) Pursuant to Section 26(c) of the Illinois Horse Racing Act of 1975, (Act), the organization licensee shall deliver to the Board no later than April 10 of each year a check representing the value of the outstanding tickets from which the licensee has received the proceeds of the race. The licensee shall submit to the State Director of Mutuels, no later than January 5 of each year, the outstanding tickets and a check representing the value of all

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

outstanding tickets which remain unpaid from the calendar year preceding the year prior to the year of payment (e.g., outs tickets purchased in calendar year 1992 shall be remitted with payment to the State Director of Mutuels no later than January 5, 1994).

b) Cash tickets which have been submitted for payment shall be segregated and remitted in accordance with subsection (a) in the following manner:

- 1) by tote;
- 2) by calendar year; and
- 3) by location.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Totalizator Operations
- 2) Code Citation: 11 Ill. Adm. Code 433
- 3) Section Numbers: 433.120 Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This rulemaking allows any pari-mutuel ticket with a price of \$500 or less to be cancelled without approval. Tickets exceeding \$500 will only be cancelled with approval of the stewards and Mutuel Manager.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 5, 1992
 - B) Types of small business affected: None.
 - C) Reporting, bookkeeping or other procedures required for compliance: None.
 - D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 433

TOTALIZATOR OPERATIONS

SUBPART A: DEFINITIONS AND GENERAL PROVISIONS

Section	
433.10	Definitions
433.15	Purpose
433.20	Pari-Mutuel Audit Unit
433.25	Access to Totalizator and Pari-Mutuel Facility
433.30	Work Area for Pari-Mutuel Auditors
433.35	System Failure
433.45	Waivers for Scientific Advancements
433.50	Filings
433.55	Standards

SUBPART B: PROCEDURES AND REPORTS REQUIRED OF ORGANIZATION LICENSEES

Section	
433.60	Cashed Tickets
433.70	Summary of Pari-Mutuel Operations

SUBPART C: MUTUEL TICKETS

Section	
433.100	Marketing of Tickets
433.110	Status of Outs Account
433.120	Cancellation of Tickets
433.130	Records of Refunds and Cancellations
433.140	Computer Print-Outs
433.145	Additional Method of Calculation

SUBPART D: MUTUEL FACILITIES; TICKETS; SPECIFICATION REQUIREMENTS AND PROCEDURES

Section	
433.200	No Reduction in Capacity
433.210	Totalizators
433.220	Final Confirmation
433.230	Status Report

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

433.240

Locking Devices

433.250

Control of Locking Devices

433.260

Accounting for Individual Tickets

433.270

Tickets

433.280

Security for Tote Equipment

433.290

Access to Tote Room

433.295

Fax Machines

433.298

Hot-Line Telephone

SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

Section

433.300

General System Requirements

433.310

Redundant Capabilities

433.320

Redundant Hardware

433.330

Stop Betting Command

433.340

Record of Stop Betting Command

433.350

Odds Board Control

433.360

Odds Update

433.370

Retention of Racing Program Data

433.380

Control Access to Tote Computer Equipment

433.390

Software

433.400

Provide Summary

433.410

Unique Ticket Number

433.420

Uncashed Tickets

433.430

Computer Produced Reports

433.440

Magnetic Log Files

433.450

Security Sub-System

433.455

Access to Sub-Systems

433.458

Emergency Power Source

433.460

Power Fluctuations

433.470

Two Independent Sets of Pool Totals

433.480

Loss of Communications Reports

433.490

Cancellations

SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section

433.500

General Procedural Requirements

433.510

Pre-Program Tests

433.520

Totalizator Programs

433.530

Duplicate Copy of Totalizator Programs

433.540

Notice of Software Modifications

433.550

Testing of Software Modifications

433.560

Controlling System Utilities

433.570

Access to Tote Room

433.580

Control Log

433.590

Back-Up Procedures

433.600

Shut-Down Procedures

433.610

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

433.240

Locking Devices

433.250

Control of Locking Devices

433.260

Accounting for Individual Tickets

433.270

Tickets

433.280

Security for Tote Equipment

433.290

Access to Tote Room

433.295

Fax Machines

433.298

Hot-Line Telephone

SUBPART E: TOTALIZATOR SYSTEM: SYSTEM REQUIREMENTS

Section

433.300

General System Requirements

433.310

Redundant Capabilities

433.320

Redundant Hardware

433.330

Stop Betting Command

433.340

Record of Stop Betting Command

433.350

Odds Board Control

433.360

Odds Update

433.370

Retention of Racing Program Data

433.380

Control Access to Tote Computer Equipment

433.390

Software

433.400

Provide Summary

433.410

Unique Ticket Number

433.420

Uncashed Tickets

433.430

Computer Produced Reports

433.440

Magnetic Log Files

433.450

Security Sub-System

433.455

Access to Sub-Systems

433.458

Emergency Power Source

433.460

Power Fluctuations

433.470

Two Independent Sets of Pool Totals

433.480

Loss of Communications Reports

433.490

Cancellations

SUBPART F: TOTALIZATOR SYSTEM: PROCEDURAL REQUIREMENTS

Section

433.500

General Procedural Requirements

433.510

Pre-Program Tests

433.520

Totalizator Programs

433.530

Duplicate Copy of Totalizator Programs

433.540

Notice of Software Modifications

433.550

Testing of Software Modifications

433.560

Controlling System Utilities

433.570

Access to Tote Room

433.580

Control Log

433.590

Back-Up Procedures

433.600

Shut-Down Procedures

433.610

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b), 37-15).

SOURCE: Adopted at 11 Ill. Reg. 12380, effective July 18, 1987; amended at 14 Ill. Reg. 20059, effective December 4, 1990; amended at 15 Ill. Reg. 2736, effective February 5, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 433.120 Cancellation of Tickets

Issued/tickets/may/be/cancelled/only/under/the/following/conditions:

- a) Error/on/the/part/of/the/seller/or/where/a/patron/claims/the/ticket/was/not/the/one/requested/and/such/claim/is/made before/the/patron/tears/the/seller's/window/and/the/ticket is/still/machine/made/not/been/ticketed/by/the/steward's/purse/and to/cancellation/433.250/or/Any ticket with a price of \$500 or less may be cancelled without question.
- b) When/on/order/of/the/stewards/the/opportunity/to/cancel/tickets is/made/available/to/all/members/of/the/public/because/for example/a/race/scheduled/for/the/turf/has/been/moved/to/the divi//or/the/favorite/in/an/entry/has/been/scratched/ Tickets with a price exceeding \$500 may only be cancelled with approval of the Mutuel Manager and the State Steward.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER
ILLINOIS RACING BOARD
NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 409
- 3) Section Numbers: 409.20 Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b).
- 5) A complete description of the subjects and issues involved: This amendment allows for an entry to participate in a trifecta race, only when said race is a stakes race with a minimum purse of \$25,000 and a minimum field of eight betting interests.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporation by reference? No.
- 9) Are there any other proposed amendments pending in this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing, within 30 days of this notice, to:

Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: 6/22/92
- B) Types of small business affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: None.

The full text of the proposed amendment begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 409
TRIFECTA

Section	
409.10	Trifecta Wager
409.20	Entries and Fields/ Prohibited
409.30	Winning Combinations
409.40	Dead Heat
409.50	Irregular Wagering Pattern
409.60	Special Conditions for Thoroughbred Trifecta Races (Repealed)
409.65	Trifecta Races
409.70	Special Conditions for Harness Trifecta Races (Repealed)
409.75	Restrictions on Thoroughbred Trifecta Races (Repealed)
409.80	Waiver of Rules (Repealed)
409.85	Restrictions on Harness Trifecta Races
409.90	Minimum Fields

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 187, effective September 8, 1980; codified at 5 Ill. Reg. 10894; emergency amendment at 9 Ill. Reg. 2532, effective February 8, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10270, effective June 21, 1985; amended at 14 Ill. Reg. 11317, effective July 3, 1990; amended at 14 Ill. Reg. 12265, effective July 13, 1990; amended at 14 Ill. Reg. 17670, effective October 16, 1990; amended at 14 Ill. Reg. 20063, effective December 4, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 409.20 Entries and Fields ~~Prohibited~~

a) ~~Entries and Fields~~ are prohibited in Trifecta races.

b) Only one entry, coupled or uncoupled, shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of \$25,000 and a minimum field of eight betting interests.

c) No entry, coupled or uncoupled, shall be allowed in a trifecta race which is not a stakes race.

d) No entry, coupled or uncoupled, shall be allowed in a stakes trifecta race when the minimum purse is less than \$25,000 or the number of betting interests fall below eight.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS RURAL BOND BANK

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of Part: Application Process for Governmental Units
- 2) Code Citation: 47 Ill. Adm. Code 410
- 3) Section Number: 410.109
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and Authorized by Sections 2-7 and 2-8 of the Illinois Rural Bond Bank Act (Ill. Rev. Stat. 1991 ch. 17, par. 7202-7, 7202-8).
- 5) A Complete Description of the Subjects and Issued Involved:
The rule allows flexibility in establishing fees for the Rural Bond Bank. The Bank is intended to be self financing. Fees must be adjusted from time to time to cover changes in operating costs. The Illinois Rural Bond Bank transferred to the general revenue fund a portion of its funds. This transfer causes the current fee schedule to be inadequate to cover the Bond Bank's operating expenses.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part?
No
- 10) Statement of Statewide Policy Objectives: This amendment implements State policy of requiring bond issuing authorities to be self sustaining.

- 11) Time, Place and Manner Which Interested Persons May Comment on This Proposed Rulemaking: Interested parties may submit comments, data, views, or arguments concerning this rulemaking in writing to: Don Norton, Executive Director, Illinois Rural Bond Bank, 427 East Monroe, Suite 202, Springfield, Illinois 62701. PH# (217) 524-2663

ILLINOIS RURAL BOND BANK

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: This proposed amendment was not submitted to the Business Assistance Office of the Department of Commerce and Community Affairs.
- B) Types of small businesses affected: Small businesses will not be affected by this rule.
- C) Reporting, bookkeeping or other procedures required for compliance: N/A
- D) Types of professional skills necessary for compliance: N/A

The full text of the proposed amendment is identical to the emergency amendment published in this issue of the Illinois Register on page 11346.

ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Joint Rules of the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency: Fire Protection and Emergency Services for Telecommunications Facilities
- 2) Code Citation: 83 Ill. Adm. Code 785
- 3) Section Numbers: Adopted Action:
- | | |
|--------|-------------|
| 785.1 | New Section |
| 785.5 | New Section |
| 785.10 | New Section |
| 785.15 | New Section |
| 785.20 | New Section |
| 785.25 | New Section |
| 785.30 | New Section |
| 785.35 | New Section |
| 785.40 | New Section |
| 785.45 | New Section |
| 785.50 | New Section |
| 785.55 | New Section |
| 785.60 | New Section |
| 785.65 | New Section |
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Telecommunications Facility Fire and Emergency Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1552).
- 5) Effective Date of Rule: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rules contain incorporations by reference? Yes, but not subject to JCAR approval.
- 8) Date Filed in Agency's Principal Office: May 28, 1992
- 9) Notice of Proposal Published in Illinois Register:
December 6, 1991, at 15 Ill. Reg. 17427.
- 10) Has JCAR issued a Statement of Objections to these rules?
No.

- 11) Difference(s) between proposal and final version:
Heading of Part updated.
Authority Note updated.
All statutory references updated to 1991 edition of the Illinois Revised Statutes.
Section 785.5: Addresses put into definitions of "ASTM," "NESC," and "NFPA."
Section 785.5: Added "authorized to provide switched local exchange service" to definition of "carriers."
Section 785.15: Deleted "local . . . telecommunications." Deleted the phrase "telephone companies and telecommunications" in Sections 785.25, 785.30, 785.35, 785.40, 785.60 and 785.65.
Section 785.50(a) and (b): Added "Carriers shall, for" to beginning of each subsection.
Section 785.55(a)(3): Deleted "power" from first sentence. Changed "disconnect" to "disconnection" in second sentence.
Section 785.55(b)(2): Changed "will require" to "shall utilize."
Section 785.55(c)(1)(B): Corrected typographical error "1,6000."
Section 785.55(e)(2): Clarified language.
Section 785.60: Changed "telephone" to "telecommunications."
Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.
Will these rules replace emergency rules currently in effect? No.
Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Rule: These rules are required by Section 2 of the Telecommunications Facility Fire and Emergency Act. The law requires the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency to adopt joint rules on the provision of adequate fire protection and emergency notification systems at telecommunications facilities in Illinois. The rules adopt technical standards for the provision of such systems.

- 16) Information and questions regarding these adopted rules shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 785-8439

The full text of the Adopted Rules begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 785

JOINT RULES OF THE ILLINOIS COMMERCE COMMISSION, THE OFFICE OF THE STATE FIRE MARSHAL, AND THE ILLINOIS EMERGENCY MANAGEMENT AGENCY: FIRE PROTECTION AND EMERGENCY SERVICES FOR TELECOMMUNICATIONS FACILITIES

Section	Policy
785.1	Definitions
785.5	Intent
785.10	Application of Part
785.15	Incorporation of National Codes and Standards
785.20	Interchange Data
785.25	Safety Program
785.30	Physical Security and Emergency Access
785.35	Disaster Procedures
785.40	Remote Alarm Monitoring
785.45	Pre-Emergency Planning
785.50	Technical Requirements
785.55	Training
785.60	Compliance
785.65	

AUTHORITY: Implementing and authorized by Section 2 of the Telecommunications Facility Fire and Emergency Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 1552).

SOURCE: Adopted at 16 Ill. Reg. 11009, effective July 1, 1992.

Section 785.1 Policy

The purpose of this Part is the practical, affordable safeguarding of the facilities of telephone companies and telecommunications carriers from major interruptions in service principally due to fire and to assure proper emergency response and recovery mechanisms are available should protective measures fail.

Section 785.5 Definitions

As used in this Part, the following terms shall have these meanings.

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"Act" shall mean the Telecommunications Facility Fire and Emergency Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 1550 et seq.).

"Agencies" shall mean the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency.

"ASTM" shall mean the American Society For Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania, 19103-1187, publisher of the "Annual Book of ASTM standards."

"Carriers" shall mean "telecommunications carriers" as defined in Section 13-202 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 13-202) and such other entities as described in Section 1 of the Telephone Company Act (Ill. Rev. Stat. 1991, ch. 134, par. 17) authorized to provide switched local exchange service.

"Critical functions" shall mean those functions, the failure of which would lead to a major service outage.

"Facilities" shall mean those buildings of the carriers that house local or network switching equipment, but does not include ground or pole mounted cabinets.

"Lock box" shall mean a secured box mounted on the outside of a building for which the only available key is held by the fire department and which contains a key for access into the building by the fire department personnel.

"Major service outage" shall mean a complete central office exchange failure, or the isolation of an exchange due to toll circuit(s) failure.

"NEC" shall mean the National Electric Safety Code as published by the Institute of Electric and Electronic Engineers, 445 Hols Lane, P.O. Box 1331, Piscataway, New Jersey, 08855-1331.

"NFPA" shall mean the National Fire Protection Association, One Batterymarch Park, Publications Department, P.O. Box 9101, Quincy, Massachusetts, 02269-9101.

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"signage" shall mean the placement of functional signs bearing information of value to emergency personnel in times of fire or other emergency condition.

Section 785.10 Intent

Statements in this Part that are to be regarded as mandatory are characterized by the use of the word "shall." Statements in this Part that are advisory in nature are indicated by the word "should." Statements in the NEC or NFPA, that are advisory in nature are indicated as "RECOMMENDATIONS."

Section 785.15 Application of Part

This Part shall apply to the switching facilities of all carriers, as defined in Section 785.5 of this Part, in the State of Illinois that are subject to the jurisdiction of the Commission.

Section 785.20 Incorporation of National Codes and Standards

a) The Agencies adopt as their rules the following portions of the NEC (1990 edition, approved June 26, 1989):

1) Section 2 (Definitions of Special Terms).

2) Section 9 (Grounding Methods of Electric Supply and Communications Facilities).

b) The Agencies adopt as their rules the following portions of the NFPA Fire Codes (1991) edition:

1) Code 70, National Electric Code (effective Feb. 21, 1991).

2) Code 72, Standard for the Installation, Maintenance, and Use of Protective Signaling Systems (effective 8-17-90).

3) Code 72E, Standard on Automatic Fire Detectors (effective 8-17-90).

4) Code 10, Portable Fire Extinguishers (effective 8-17-90).

5) Code 12A, Halon 1301 Systems (effective 3-8-89).

6) Code 12B, Halon 1211 Systems (effective 8-17-90).

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- 7) Code 13, Standard on Sprinkler System Installation (effective 2-6-91).
- 8) Code 13A, Standard on Sprinkler System Maintenance, (effective 12-30-86).
- c) The Agencies adopt as their rules the following ASTM standards (1991 edition): D2863-87, Standard Test Method for Measuring the Minimum Oxygen Concentration to Support Candle-like Combustion of Plastics (Oxygen Index), (effective 3-27-87).
- d) Footnotes and notes which reference provisions of the NFSC, NFPA or ASTM which have not been expressly adopted by the Agencies shall not be construed to incorporate such provisions into this Part.
- e) This incorporation does not include any later amendments or editions.

Section 785.25 Interchange Data

To assist in promoting conformity with these rules, a procedure or plan should be instituted between all carriers whose facilities may occupy the same territory so that it will provide for the exchange of pertinent data and information, including data relative to proposed and existing construction, and changes in operating conditions which affect or are likely to affect adequacy of the telecommunications infrastructure in times of emergency.

Section 785.30 Safety Program

- a) Each carrier shall adopt and execute a safety program, fitted to the size and type of its operations. As a minimum, the safety program shall:
 - 1) Stress reasonable procedures designed to reduce the hazards to which its employees, its customers, and the general public may be subjected by its operations;
 - 2) Require employees to use suitable tools and equipment in order that they may perform their work in a safe manner;
 - 3) Instruct employees in safe methods of performing their work;

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- 4) Instruct employees who, in the course of their work, are subject to the hazard of electrical shock, asphyxiation or drowning, in accepted methods of cardiopulmonary resuscitation.
- b) Each carrier shall give assistance to the Agencies in the investigation of the cause of accidents or service interruptions and in the determination of suitable means of preventing such occurrences.

Section 785.35 Physical Security and Emergency Access

- a) Each carrier's facility housing switching equipment shall have physical security, which may be, by way of example and not of limitation, in the form of door lock, card control entry or security guard, to guard against unauthorized entry or malicious disruption of service.
- b) Each carrier's facility in Illinois shall utilize a lock box system to facilitate access to the telecommunications building during an emergency situation, unless prohibited by ordinance or local fire department policy. Details of the lock box system shall be made a part of the facility pre-emergency plan.

Section 785.40 Disaster Procedures

- a) Each carrier shall develop procedures providing for the continued operation of its services in the event that critical services are partially or totally disabled due to natural or manmade disasters. Procedures shall include, but not be limited to, practices for the continuation or priority restoration of critical services such as police, fire department, hospital, 9-1-1, etc. and methods of alternate alerting of city, county and State disaster agencies, and appropriate fire districts. Such procedures need not be submitted to the Agencies for approval, but shall be available for Agency review upon request.
- b) Each carrier shall notify the Illinois Emergency Management Agency of any major service outage expected to last 12 hours or more.

NOTICE OF ADOPTED RULES

- c) The Agencies shall work with carriers to assist in developing alternate methods of alerting fire departments in instances in which the primary methods have failed.

Section 785.45 Remote Alarm Monitoring

Each telecommunications facility shall provide for a direct alarm monitoring communication channel to a fire department or fire protection district unless a local ordinance is adopted to the contrary, or there is an agreement from the local fire department that such alarming is not necessary or desirable. This alarm system monitoring by the fire department or fire district may be in addition to other remote monitoring systems of the carrier.

Section 785.50 Pre-Emergency Planning

- a) Carriers shall, for each telecommunications facility in Illinois, work with the local fire department or fire protection district to develop a pre-emergency plan. This plan shall include, but not be limited to: signage, location of the de-energizing switches, emergency procedures, copies of maps or floor diagrams, information about the location of the manual power cut-off switch(s) within the building, primary and alternative reporting, direct alarm monitoring, type of lock box and other issues as locally required. A copy of the plan shall be maintained at each facility location. A copy shall also be included in the lock box or in a suitable box located immediately inside of the facility for use during an emergency. The plan shall be signed by the facility manager and the fire chief of that area.
- b) Carriers shall, for each telecommunications facility, provide prior notice, in writing, to the fire department or fire protection district when construction or modifications are to be performed on an existing building that would impact the plan. The fire department and the facility shall review, update and approve the pre-emergency plan as required.
- c) The pre-emergency plan shall be reviewed, dated and signed on an annual basis.

NOTICE OF ADOPTED RULES

Section 785.55 Technical Requirements

a) Power and Communications Systems

- 1) All direct current (DC) power supply service feeds shall be fused at a level not to exceed the rated capacity of the smallest conductor used in the feed, or 200% of the maximal operational consumption of the feed, whichever is smaller.
- 2) The use of equalizing center design, the practice of tapping smaller power cables to larger power cables, is only permitted when fused at the tap, or fused in accordance with subsection 785.55(a)(1) above.
- 3) Main power supply systems, both AC and DC, shall be designed to enable a practical, safe disconnection of all interior feed circuits using a master or zoned master switches or fuses. Multiple locations for zoned master switches or fuses may be utilized, but no more than three locations per floor shall be permitted except that existing telecommunications switch facilities with multiple power supply systems exceeding three locations per floor shall develop and utilize a coded layout plan for effective zoned disconnection subject to individual approval by the Office of the State Fire Marshal. Details of such disconnect plan shall be made a part of the pre-emergency plan.
- 4) Carriers should consider the incorporation of surge protective devices for use on AC service to mitigate the potential impact of equipment damage due to transient or overvoltage surges.
- 5) Armored cable, rigid or flexible metal conduit, or any other cable with an exterior metallic or conductive external surface shall not be placed in cable trays containing AC, DC or communications cables.
- 6) Wherever possible, existing AC and DC power cables should be physically separated from communications cables. New construction shall have AC and DC power cables physically separated from communications cables.

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- 7) Use of cables employing polyvinyl chloride (PVC) insulation for any new or expansion of facilities shall be allowed only if the cable has an oxygen index rating of 28 or higher, unless monitored by a system designed to sense chloride emissions.
- 8) Removal of old cable shall be monitored by each telephone company or telecommunications carrier to guard against damage to remaining cable.

b) Detection Systems

- 1) Design and installation shall comply with fire protection standards as published in the NFPA's Code 72 and 72E.
- 2) Types of fire detectors include heat, smoke, flame, laser, photo-electric, aspiration, ionization and fire-gas types. Detection systems shall utilize a minimum of two (2) types of devices monitoring each alarm zone within a facility for buildings exceeding 1,600 square feet. Buildings of less than 1,600 square feet shall utilize one (1) single detector-type capability. Single detector-type systems shall not utilize heat only sensors.

- 3) Each facility with multiple alarm zones within a building exceeding 1,600 square feet shall have a local interior zone annunciator panel immediately inside of an entrance door as designated in the pre-plan. The facility may also have remote monitoring by a company operated central station. Upon receipt of a fire signal at such remote station, the station operator shall immediately notify the appropriate Fire Department.

- 4) Each carrier should develop a facility inspection program utilizing thermographic infrared scanning technology or equivalent as an aid to identify abnormal heat buildup.

c) Ventilation

- 1) All facilities shall provide ventilation access for removal of smoke and toxic gases from the facility as follows:

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NOTICE OF ADOPTED RULES

- A) Single level telephone facilities consisting of no more than 1,600 square feet shall provide no less than two separate physical openings of sixteen (16) square feet each or greater on separate sides of the facility unless the local fire agency agrees to accept a single opening.
- B) All facilities exceeding 1,600 square feet (including multi-story buildings) shall provide at least two (2) vent access openings per floor. The minimum size of each opening shall be sixteen (16) square feet for each 10,000 square feet of floor area, except that multiple vent openings per floor shall not be required where mechanical smoke evacuation systems are present and are acceptable to the local fire agency.

d) Suppression

- 1) Automatic discharge systems containing water, dry chemical, foam or other suppression agents shall not be required in rooms housing switching, toll, main distribution frame, power, auxiliary power and AC switchboard equipment.
- 2) Suppression systems utilizing sprinklers or Halon shall be provided in cable vault areas and other areas not excluded by subsection 785.55(d)(1) above, except that no suppression systems are required for telecommunications buildings less than 1,600 square feet.

e) Inspections

- 1) The Agencies shall be permitted to inspect all facility locations for compliance.
- 2) Each carrier shall permit the fire department or fire protection district to conduct an annual inspection of each telecommunications facility. The local fire department shall have the option of inspecting more than once a year if it so requests. Fire departments with full-time staff shall be allowed to conduct an inspection for each of the three shifts, if requested.

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Section 785.60 Training

The carriers shall work with the Office of the State Fire Marshal to develop a training program to be made available to local fire departments statewide. The training program shall include, but not be limited to, development of printed materials, signage, zoned power shut-off guidelines, model emergency plans, and videotapes that describe the risks posed at telecommunications facilities. The ramifications of loss of service, the special features and unique hazards posed by facilities, and recommended emergency actions to be taken shall be addressed.

Section 785.65 Compliance

- a) Existing carriers shall have one (1) year from the effective date of this Part to comply with all Sections excluding 785.55. Carriers having more than 40 switching sites shall be allowed two (2) years to complete all work other than that which is specified in Section 785.55, except that in no event shall a carrier bring into compliance each year fewer than forty (40) facilities or 50% of its total facilities, whichever is greater.
- b) Existing carriers have four (4) years from the effective date of this Part to achieve 100% compliance with Section 785.55. By the end of two (2) years from the effective date of this Part, the companies and carriers shall have no less than forty (40) facilities or 50% of their total facilities, whichever is greater, in compliance.
- c) Within ninety (90) days from the effective date of this Part, all carriers shall submit an implementation schedule indicating the name, address, and date of scheduled compliance as required in subsections 785.65(a) and (b). Thereafter, until all facilities of a carrier are in compliance, each carrier shall submit, at six (6) month intervals, an updated implementation schedule showing location-name, address, completions and projected completions. Schedules and interval updates shall be filed with the Chief Clerk of the Illinois Commerce Commission.
- d) If waiver from any of the requirements herein is desired in any particular case, the Agencies will consider the application for such waiver when accompanied by a full statement setting forth the conditions

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existing and the reasons why such waiver is desired. In considering such requests for waivers, factors that the Agencies shall consider include economic impacts of compliance, costs and rate consequences, and service interruption potential. It is understood that any waiver so granted shall apply only to the particular case covered by the application, and waiver shall not be extended to other cases unless specifically granted by the Agencies.

- e) Application for waiver shall be made to the Illinois Commerce Commission pursuant to 83 Ill. Adm. Code 200. The Illinois Commerce Commission shall coordinate the waiver review process with the Agencies.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service
- 2) Code Citation: 83 Ill. Adm. Code 280
- 3) Section Numbers: 280.100
Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, par. 10-101).
- 5) Effective Date of Amendment: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 24, 1992
- 9) Notice of Proposal Published in Illinois Register:
July 5, 1991, at 15 Ill. Reg. 9801.
- 10) Has JCAR issued a Statement of Objections to this amendment?
No.
- 11) Difference(s) between proposal and final version: The earlier proposed language at Section 280.100(c)(2) has been deleted and replaced with the language appearing there now.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
No changes required.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

ILLINOIS COMMERCE COMMISSION
NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: The purpose of the proposed amendment is to clarify that a utility has the burden of proof whenever it alleges that there has been tampering with equipment and that a customer has received the benefit of unbilled or misbilled service.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-8439

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 83: PUBLIC UTILITIES

CHAPTER I: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITY

PART 280

PROCEDURES FOR GAS, ELECTRIC, WATER AND SANITARY SEWER UTILITIES GOVERNING ELIGIBILITY FOR SERVICE, DEPOSITS, PAYMENT PRACTICES AND DISCONTINUANCE OF SERVICE
(GENERAL ORDER-172)

Section	
280.10	Policy
280.20	Scope and Application
280.30	Saving Clause
280.40	Definitions
280.50	Applications for Service
280.60	Present Customers
280.70	Deposits
280.75	Refunds
280.80	Estimated Bills
280.90	Past due Bills and Late Payment Charges
280.100	Unbilled Service
280.105	Treatment of Illegal Taps
280.110	Deferred Payment Agreements
280.120	Budget Payment Plan
280.130	Discontinuance of Service
280.135	Discontinuance of Service During the Period of Time from December 1 Through and Including March 31
280.138	Reconnection of Former Residential Utility Customers for the Heating Season
280.140	Discontinuance of Service to Accounts Affecting Master Metered Apartment Buildings
280.150	Service Reconnection Charge
280.160	Dispute Procedures
280.170	Commission Complaint Procedures
280.180	Public Notice of Commission Rules
280.190	Second Language Notices
280.200	Customer Information Booklet
APPENDIX A	Notice of Utility Shut Off
APPENDIX B	Requirements to Avoid Shut Off of Service in the Event of Illness
APPENDIX C	Public Notice
APPENDIX D	Insert to be Included with Each Notice of Disconnection Sent to Residential Gas and Electric Customers

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing the Small Business Utility Deposit Relief Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1001 et seq.) and Sections 8-101 and 8-207 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 8-101 and 8-207), and authorized by Section 8 of the Small Business Utility Deposit Relief Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1001 et seq.) and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 8-101, 8-207, and 10-101).

SOURCE: Rule repealed, new rule adopted at 3 Ill. Reg. 1, p. 102, effective January 6, 1979; emergency amendment at 3 Ill. Reg. 46, p. 65, effective November 16, 1979, for a maximum of 150 days; amended at 4 Ill. Reg. 46, p. 1274, effective November 10, 1980; amended at 6 Ill. Reg. 10917, effective September 7, 1982; amended at 6 Ill. Reg. 13723, effective November 8, 1982; amended at 7 Ill. Reg. 9285, effective July 22, 1983; codified at 7 Ill. Reg. 13218; emergency amendment at 7 Ill. Reg. 14543, effective October 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 13221, effective November 1, 1983; emergency amendment at 7 Ill. Reg. 16667, effective December 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 3664, effective March 15, 1984; emergency amendment at 8 Ill. Reg. 17924, effective September 13, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21222, effective October 15, 1984; amended at 9 Ill. Reg. 2268, effective February 8, 1985; amended at 16 Ill. Reg. 11023, effective July 1, 1992.

NOTE: Statutory language is denoted by italics or capital letters.

Section 280.100 Unbilled Service

- a) A utility may render a bill for services or commodities provided to:
 - 1) A residential customer only if such bill is presented within one year from the date the services or commodities were supplied, or
 - 2) A non-residential customer only if such bill is presented within two years from the date the services or commodities were supplied.
- b) No customer shall be liable for unbilled or misbilled service after expiration of the applicable period except in those instances to which ~~Rule 14(a) of General Order 159~~ ~~(to be codified as 83 Ill. Adm. Code 500.240(a))~~,

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~~Rule 16(c) of General Order 161 (to be codified as 83 Ill. Adm. Code 410.260(c))~~, or the following subsections of this Section apply.

c) Tampering

1) When there has been tampering with wires, pipes, meters or other service equipment and the customer has enjoyed the benefit of such tampering, the utility is not restricted to the above time limitations on unbilled service. When a utility applies this provision to bill for service which occurred outside the applicable time limitations, a customer may dispute the bill under the provisions of Sections 280.160 and 280.170 of this Part. The customer shall be responsible for all service usage, and the utility may bill the customer for all service usage during the period the tampering occurred. Customers may be billed for diverted service not used by that customer if that customer had knowledge of or consented to the diversion.

2) If a utility alleges that tampering has occurred, the utility shall have the burden of proving, by a preponderance of the evidence, that the customer's meter has been tampered with, that the customer has benefitted from the tampering and that the utility's rebilling is reasonable.

d) When past due bills occur following the issuance of a "make-up" bill for previously unbilled utility service resulting from two or more consecutive estimated bills, utility billing error, meter failure, or undetected leakage or undetected loss of service, except in situations where tampering is involved, and where the "make-up" bill exceeds the otherwise normal bill for such billing period by 50%, a utility shall review the bill with the customer, and shall offer to accept payments toward the liquidation of the amount over a normal bill over a period mutually agreed to by the utility and the customer. This period of time shall be at least as long as the period over which the excess amount accrued. Where the excess billing resulted from undetected leakage or loss of service, the period shall be extended so that the bill rendered will not be greater than a normal bill, plus 50%.

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NOTICE OF ADOPTED AMENDMENT

e) When a utility computer rejects a bill because it is abnormally high or low, and the utility chooses to delay billing by more than five days, the utility must nevertheless send the customer a statement at the regular billing period which shows that billing has been delayed and that an investigation is being conducted by the utility.

(Source: Amended at 16 Ill. Reg. 11023, effective July 1, 1992)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Commercial Fishing in Lake Michigan

2) CODE CITATION: 17 Ill. Adm. Code 850

3) SECTION NUMBERS: ADOPTED ACTION:

850.10 Amendments
850.20 Amendments
850.30 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.3n, 1.4, 1.5, 1.7, 1.10, 5.7, 5.8, 5.19 and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1991, ch. 56, pars. 1.3, 1.3n, 1.4, 1.5, 1.7, 1.10, 5.7, 5.8, 5.19 and 6.1).

5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 27, 1992, 16 Ill. Reg. 4616

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments require that 11 gill nets used in Lake Michigan have a vertical width of not more than 20 meshes; require that all gill nets set in waters up to 120 feet in depth shall not be set prior to sunrise and that they must be removed from the water prior to sunset during the months of August, September, October and November. Changes in the annual total harvest quota will keep it at the same level, but divide it equally among each licensee at the beginning of each license year.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 850

COMMERCIAL FISHING IN LAKE MICHIGAN

Section

850.5 Introduction
850.10 Possession and Identification of Gear
850.20 Quota
850.30 Restricted Commercial Fishing Areas
850.40 Limited Entry
850.50 License Eligibility and License Provisions
850.60 Application for License
850.80 Suspension or Revocation

AUTHORITY: Implementing and authorized by Sections 1.3, 1.3n, 1.4, 1.5, 1.7, 1.10, 5.7, 5.8, 5.19 and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1991, ch. 56, pars. 1.3, 1.3n, 1.4, 1.5, 1.7, 1.10, 5.7, 5.8, 5.19 and 6.1).

SOURCE: Adopted at 3 Ill. Reg. 44, p. 46, effective November 1, 1979; codified at 6 Ill. Reg. 877; amended at 6 Ill. Reg. 3846, effective March 31, 1982; amended at 7 Ill. Reg. 2711, effective March 2, 1983; amended at 8 Ill. Reg. 7220, effective May 15, 1984; emergency amendments at 9 Ill. Reg. 4854, effective April 2, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 6179, effective April 23, 1985; amended at 10 Ill. Reg. 9789, effective May 21, 1986; amended at 12 Ill. Reg. 7996, effective April 25, 1988; amended at 16 Ill. Reg. 11029, effective June 30, 1992.

Section 850.10 Possession and Identification of Gear

a) Licensed commercial fishermen may take bloater chub and yellow perch in Lake Michigan only with gill nets that have meshes of not more than 2-3/4 inch diagonal stretched measurement nor less than 2-3/8 inch diagonal stretched measurement. All gill nets used to take such fish in the Illinois waters of 20-fathoms-(120-feet)-or-less-in-depth Lake Michigan shall not have a vertical width of more than twenty (20) meshes.

b) Gill nets found on any vessels not conforming to the 2 3/8 through 2 3/4 inch diagonal stretched measurement requirement shall be prima facie evidence that such nets are illegally used and subject to confiscation and disposition as provided in Section 1.23 of the Fish Code of 1971 (Ill. Rev. Stat. 1991, ch. 56, par. 1.23).

c) It shall be unlawful to set any legal gill net in Lake Michigan unless such net is properly marked at each end with a buoy having a staff of not less than 6 feet in height to which a colored flag is secured, and the name, city or town of residence, and the license number of the licensee is attached to the flag, staff, or upper surface of the bowl

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of each buoy attached to the ends of the net. In addition, during the period from April 1 through October 31 all commercial gill nets placed in waters of 20 fathoms or less in depth shall have placed within 25 feet of the net at intervals of not more than 3600 feet a float not less than 3 gallons in size with 50% of the outer surface colored in orange. During the period from December 1 through March 31 only, wooden boards of at least 8 feet in length may be used at the ends of the net and must also comply with the marking provisions as defined in this Section.

(Source: Amended at 16 Ill. Reg. 11029, effective June 30, 1992.)

Section 850.20 Quota

a) Harvest quotas will be reviewed annually and will be established by the Department for each license fishing year taking into consideration the condition and supply of Lake Michigan fish stocks.

b) For the each license year beginning April 1st and ending March 31st, an annual total harvest quota per-license of 70,000 350,000 pounds will be permitted. This quota shall be composed of bloater chub (dressed weight) and not more than 55,000 275,000 pounds of yellow perch (round weight). Upon-reaching-a-total-harvest-of--70,000--pounds of-bloater-chubs-or-70,000-pounds-of-bloater-chubs-and-yellow-perch-in-combination--each-commercial-fishing-license-holder-will-terminate-commercial-fishing-activities-for-that-license-year. This annual total harvest quota shall be divided equally among each licensee at the beginning of each license year. It shall be unlawful to possess other species except smelt and alewife incidentally caught in bloater chub and yellow perch gill nets, fished in compliance with this Part and the Illinois Fish Code. All other species must be removed immediately from the gill nets as they are brought on board the vessel and returned to the water at once in the same condition as taken.

(Source: Amended at 16 Ill. Reg. 11029, effective June 30, 1992.)

Section 850.30 Restricted Commercial Fishing Areas

a) During the months of July and August, commercial gill net fishing may be undertaken anywhere in the Illinois portion of Lake Michigan outside of the 1,000 yard distance from any pier, breakwater, or similar structure, or the low water mark on the shore. From the months of September through June, inclusive, commercial fishermen must fish in water depths of at least 5 fathoms (30 feet) or deeper to minimize incidental catch of salmon and trout.

b) The following described area in Lake Michigan is established as fish refuge and it shall be unlawful for any person to place any commercial fishing device in it: all waters on or adjacent to any area commonly

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referred to as Julian's Reef, located in a general area bounded by 42 16'00" north latitude on the north, 87 29'00" west longitude on the east, 42 11'00" north latitude on the south and 87 35'00" west longitude on the west, on U.S. lake survey navigational chart #75, edition of April 1972 (National Oceanic and Atmospheric Administration).

- c) During the months of August, September, October and November, all gill nets set in the Illinois portion of Lake Michigan in waters up to 20 fathoms (120 feet) in depth shall not be set prior to sunrise and must be removed from the water prior to sunset on the same day.

(Source: Amended at 16 Ill. Reg. 11029, effective June 30, 1992)

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NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Dog Training on Department-Owned or -Managed Sites

- 2) CODE CITATION: 17 Ill. Adm. Code 950

- 3) SECTION NUMBERS: ADOPTED ACTION:

950.20
950.40

Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)

- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5429

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments expand dog training opportunities at Sangchris Lake State Park and provide for training of sporting dogs in and adjacent to the water areas at Sangchris Lake.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485

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NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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PART 950

DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

950.10 Statewide Regulations

950.20 Definitions

950.30 Permit Requirements

950.40 Dog Training Seasons

950.50 Dog Training Regulations

950.60 Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5).

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992.

Section 950.20 Definitions

a) Department - Department of Conservation

b) Dog Training - any teaching or exercising activity involving the classification of dogs commonly referred to as sporting dogs in which the primary purpose is to enhance the field performance of the dogs.

c) Waterdog Training - sporting dog training involving retrieving from water and areas adjacent to water.

(Source: Amended at 16 Ill. Reg. 11034, effective June 30, 1992)

Section 950.40 Dog Training Seasons

Dog training at the following sites will be open from September 1 - March 31, except closed during site upland game season; additional exceptions in parenthesis:

Banner Marsh State Fish and Wildlife Area (no closed season)

Carlyle Reservoir

Eldon Hazlet State Park (open only January 1 - March 31)

Eldon Hazlet State Park north of Allen Branch

Eckerts Woods Area

Clinton Lake State Recreation Area

Des Plaines State Fish and Wildlife Area (open all year except during

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site upland game season)
 Hidden Springs State Forest
 Horseshoe Lake State Recreation Area
 Iroquois County State Wildlife Area
 Kankakee River State Park
 Kaskaskia River State Fish and Wildlife Area (restricted areas include all nature preserves, natural areas, designated waterfowl rest areas and Baldwin Lake. The Doza Creek Waterfowl Management Area shall be restricted during the waterfowl season. Water retriever training only is open all year except in the Doza Creek Waterfowl Management Area during the waterfowl hunting season.)
 Kickapoo State Recreation Area
 Lake Shelbyville, West Okaw and Kaskaskia Fish and Wildlife Area (additionally open sunrise to sunset, April 1 - June 30 for coonhound training only)
 Marseilles Conservation Area (open only March 1 - August 30)
 Middle Fork State Fish and Wildlife Area
 Mississippi River Area
 Rainsplitter State Park
 Randolph County Conservation Area (no closed season)
 Rock Cut State Park (open only March 1 - August 30)
 Saline County Conservation Area
 Sam Parr State Park
 Sand Ridge State Forest (open September 15 - April 30 except open only Mondays and Tuesdays during site upland game season)
 Sangchris Lake State Park (closed from opening of upland game season until January 1; open for waterdog training exclusively April 1 through August 31)
 Shabbona Lake State Recreation Area (open from July 15 through August 15 then from September 16 through September 30)
 Silver Springs State Fish and Wildlife Area
 Stephen A. Forbes State Fish and Wildlife Area
 Ten Mile Creek Fish and Wildlife Area
 Trail of Tears State Forest
 Washington County Conservation Area
 Weinburg-King State Park

(Source: Amended at 16 Ill. Reg. 11034, effective June 30, 1992.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Dog Training on Non-Department Owned or -Managed Lands
- 2) CODE CITATION: 17 Ill. Adm. Code 960
- 3) SECTION NUMBERS: 960.30 ADOPTED ACTION: Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)
- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5433
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments authorize designated dog training permit holders to shoot hand-reared game birds and/or domestic pigeons all year.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787

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THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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PART 960
DOG TRAINING ON NON-DEPARTMENT OWNED OR -MANAGED LANDS

Section

- 960.10 Definitions
- 960.20 Designated Dog Training Area Permits
- 960.30 Designated Dog Training Areas
- 960.40 Training of Coon Hounds
- 960.50 Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.4, 2.30, 2.34 and 3.5)

SOURCE: Adopted at 13 Ill. Reg. 14921, effective September 6, 1989; amended at 16 Ill. Reg. 11038, effective June 30, 1992.

Section 960.30 Designated Dog Training Areas

- a) Permit holders must conspicuously post the perimeter of Designated Dog Training Areas with signs obtainable from the Department.
- b) Permit holders must properly band all hand reared game birds shot on a Designated Dog Training Area before they are removed from the training area. If the permit holder resides on the training area, the hand reared game birds must be properly banded the same day they are taken. Only bands obtained from the Department may be used. Bands can be obtained for ten cents each by writing to:

Illinois Department of Conservation
Division of Licenses and Permits Licenses Section
524-S--Second-Street P.O. Box 19458
Lincoln Tower Plaza
Springfield, IL 62706 62794-9458

- c) Permit holders may utilize live hand reared game bird recall devices on Designated Dog Training Areas.
- d) The shooting of hand-reared game birds--on--Designated--Dog--Training Areas--is--restricted--to--only--those The individuals named on the permit and--must--be--conducted are authorized to shoot hand reared game birds and/or domestic pigeons all year within the Designated Dog Training Area.

(Source: Amended at 16 Ill. Reg. 11038, effective June 30, 1992)

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NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Dove Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 730
- 3) SECTION NUMBERS: ADOPTED ACTION:
730.20 Amendments
730.30 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 3, 1992, 16 Ill. Reg. 5143
- 10) HAS JCARE ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
In Section 730.20(c):
Green River - language was changed to read ". . .
September 6-30 only".
Middle Fork - "only" was removed following "permitted".
Mississippi River Pools 25, 26 - "closing" was added following "5:00 p.m.".
Mt. Vernon Game Farm - "only on" was removed.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCARE BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCARE? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

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- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments were made to change 1992 season dates, add/delete sites, and modify site-specific regulations.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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PART 730
DOVE HUNTING

Section

730.10 Statewide Regulations

730.20 Regulations at Various Department-Owned or -Managed Sites

730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area
Banner Marsh Fish and Wildlife Area
Carlyle Lake Wildlife Management Area (subimpoundments only)
Chain O'Lakes State Park
Hennepin Canal Parkway State Park
Horseshoe Lake Conservation Area (Alexander County)
Kaskaskia River State Fish & Wildlife Area (designated areas)
Lake Shelbyville Wildlife Management Area (waterfowl)

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management units only)

Rend Lake Project Lands and Waters

Sanganois Conservation Area

Sangchris-beke-State-Fish-and-Wildlife-Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (Eads and Belle RiverUnits (Units I & II))

Union County Refuge Conservation Area

Wayne Fitzgerald State Recreation Area

2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).

c) Statewide season regulations as provided for in this rule shall apply at the following areas (exceptions are in parentheses):

AMAX Leased Lands (5:00 p.m. closing September 1 through Labor Day; statewide-closing-thereafter)

Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day; statewide-closing-thereafter)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day; statewide-closing-thereafter)

Banner Marsh State Fish and Wildlife Area (Season dates are September 1 - 30; 5:00 p.m. closing September 1 through Labor Day; statewide-closing-thereafter)

Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day; statewide-closing-thereafter)

Big River State Forest (5:00 p.m. September 1 through Labor Day; statewide-closing-thereafter)

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (Season dates are September 1, 2, 5, 6, 7, 9, 12, 13, 16, 19, 20 1727347780111415 only, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by 15 February)

Clinton Lake State Park (No hunting within 100 yards of dove management units; in dove management units, shooting hours end at 5:00 p.m. daily September 1-5 and daily quotas are filled by daily drawings)

Crawford County Conservation Area (5:00 p.m. closing,

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September 1 - 30; statewide-regulations-thereafter)
 Des Plaines Conservation Area (Season dates are September 6, 12, 13, 19, 20, 26, and 27 7-8; 14-15; 21-22-28-and-29 only; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)
 Dog Island Wildlife Management Area
 Eldon Hazlet State Park (North of Allen Branch and West of Peppenhorst Branch)
 Ferne Clyffe State Park
 Ft. de Chartres State Historic Site (hunting with muzzle-loading shotgun only)
 Ft. Massac State Park (5:00 p.m.-closing)
 Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))
 Giant City State Park (5:00 p.m. closing September 1 - 5; 5:00 p.m.-closing; statewide-regulations-thereafter)
 Green River State Wildlife Area (Lee County Conservation Area) (Season dates are September 6-30 only; ---season-closed during-dog-field-trials)
 Hamilton County Conservation Area (5:00 p.m. closing September 1 - 30 7; statewide-regulations-apply-thereafter)
 Heidicke Lake State Fish and Wildlife Area (Season dates are September 1 - 5, 5:00 p.m. closing; September 6 - 15, statewide hours; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)
 Hennepin Canal Parkway State Park (Season dates are September 1---10 1 - 5, 5:00 p.m. closing, and on Saturdays, Sundays and Wednesdays from September 11---30 6 - 30, 5:00 p.m. statewide closing)
 Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))
 Horseshoe Lake Conservation Area - Alexander County (season dates are September 1 through October 15, 5:00 p.m. closing)
 Horseshoe Lake State Park - Madison County (Season dates are September 1 - 30, 5:00 p.m. closing)
 1-24 Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5 p.m. closing)

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Iroquois County Conservation Area (5:00 p.m. closing September 1 - 5; 5:00 p.m.-closing; daily quota filled by drawing, DOC back patch required; after September 5, statewide hours and seasons apply; hunting permitted only in designated areas; all hunting must be done within 10 feet of DOC marked sites)
 Johnson Sauk Trail State Park (Season dates are September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)
 Jubilee College State Park (Season dates are September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)
 Kankakee River State Park (Season dates are September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)
 Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first week of season then everyday thereafter; 5:00 p.m. closing)
 Kickapoo State Park (Hunters must check in and check out)
 Kidd Lake State Natural Area
 Lake Kinkaid Fish and Wildlife Area
 Lake Le-Aqua-Na State Park (Season dates are September 1 - 15; except September 1 through 10, 5:00 p.m. closing)
 Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide regulations apply to the rest of the site except no hunting within 300 yards of dove management areas)
 Little-Black-Slough-State-Natural-Area
 Lower-Cache-River-State-Natural-Area
 Mackinaw River State Fish and Wildlife Area (season dates are September 6 - 30; 5 p.m. closing)
 Marseilles Fish and Wildlife Area (Season dates are September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; thereafter open Monday through Thursday only and statewide hours apply)
 Marshall State Fish and Wildlife Area
 Matthiessen State Park (Season dates are September 1 - 15 only on opening day, holidays, Wednesdays, Saturdays and Sundays; except closed the Saturday and Sunday of Labor Day weekend; 5:00 p.m.-closing)
 Mazonia State Fish and Wildlife Area (Season dates are September 1 - two weeks before duck season, hunters must check in and check out)
 Mermet Lake Conservation Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5:00 p.m. closing;

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daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (September 1-7, 5:00 p.m.-closing; daily quota filled by drawing--at site 11:00--daily--registration--begins--at--10:00--a.m.;--after September--7--statewide--regulations--apply--at--all--times, hunters--must--maintain--20-yard--spacing--and--hunt--in--designated areas--only Hunting permitted in sunflower fields only September 1-15; 5:00 p.m. closing September 1-7, quota filled by daily drawing; sunset closing September 8-15; after September 15 statewide regulations apply to entire site except that in sunflower fields, hunters must maintain a minimum of 20 yard spacing and hunt from field edges at all times)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun Point, noon--5:00 p.m. closing from September 1-57 thereafter--noon--sunset).

Moraine View State Park (5:00 p.m. closing September 1-7; 5:00--p.m.--closing; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

Morrison-Rockwood State Park (Season dates are September 1-15 except closed Saturday and Sunday of Labor Day weekend; 5:00 p.m. closing)

Mt. Vernon Game Farm (Season dates are September 1-30 Wednesdays, Saturdays and Sundays only; 5:00 p.m. closing; Wednesdays--Saturdays--and--Sundays--only hunter quota posted at headquarters; first-come basis; hunters must hunt within ten feet of stakes; no gun may be carried into dove field beyond hunting line)

Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. all--season through Labor Day; hunting by staked sites only)

Pyramid State Park (5:00 p.m. closing)

Railsplitter State Park (Season dates are September 6-17 30; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing)

Randolph County Conservation Area (5:00 p.m. closing September 1-57; statewide-regulations-apply-thereafter)

Red Hills State Park (Season dates are 5:00 p.m. closing September 1-7 Wednesdays--Saturdays--and--Sundays--only thereafter--11:00--30;--statewide--regulations--apply--daily

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Rend Lake Project Lands and Waters (statewide regulations apply, except posted dove management areas close at 5:00 p.m.; after 5:00 p.m., no person may hunt dove within 300 yards of dove management areas)

Rockhouse Creek (Monroe County)

Saline County Conservation Area (5:00 p.m. closing; September 1-30; statewide-regulations-apply-thereafter)

Sam Dale Lake Conservation Area (5:00 p.m. closing)

Sam Parr State Park (5:00 p.m. closing September 1-30; statewide-regulations-apply-thereafter)

Sand Ridge State Forest (Season dates are September 6 - October 30)

Sangamon County Conservation Area

Sangamon Conservation Area (5:00 p.m. closing September 1-5; statewide-regulations-apply-thereafter; hunter quota to be filled on a first-come basis)

Sangchris Lake State Park (Season dates are September 6 - 30)

Shabbona State Park (5:00 p.m. closing until Labor Day weekend; Season season dates are September 1-15 only; 5:00 p.m.-closing; closed Saturday and Sunday of Labor Day weekend)

Siloam Springs State Park (noon--5:00 p.m. closing all season; hunting by staked hunting sites only)

Silver Springs State Park (Season dates are September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Snake Den Hollow State Fish and Wildlife Area (5:00 p.m. closing through Labor Day; season dates are September 1-30 Season dates are--September--1--30--5:00--p.m.--closing--through Labor--Day--statewide--closing--thereafter)

Stephen A. Forbes State Park (5:00 p.m. closing)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing September 1-5)

Union County Conservation Area (5:00 p.m. closing Season dates are September 1-5; season dates are 5:00 p.m.-closing; statewide-regulations September 6-1 - October 15)

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Washington County Conservation Area
 Wayne Fitzgerald State Recreation Area (5:00 p.m. closing)
 closed September 1 - 9 and during horseback-field trials;
 5:00 p.m. closing)
 Weinberg-King State Park (5:00 p.m. closing)
 Wildcat Hollow State Forest
 Witkowsky State Wildlife Area

- d) Statewide regulations as provided in this part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (Season dates are September 15 - October 30)
 Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))
 Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))
 Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

- 1) Permit season dates shall be September 1 - 5 at the following sites, hunting hours shall be from Noon to 5:00 p.m. (exceptions in parentheses):

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)
 Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line)

Mackinaw River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; no shooting except in direction of assigned fields)

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; hunters--must--hunt within--10--feet--of--marked--sites; no gun may be carried onto dove field beyond shooting line;--it--is--unlawful--to--move stakes--or--markers)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

2) Permit Applications

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Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- 3) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.

- 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

- 5) All hunters must wear a back patch.

- 6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

- 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

(Source: Amended at 16 Ill. Reg. 11041, effective June 30, 1992)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

- a) A one-day Youth Dove Hunt will be held on September 15 at the following sites:

Horseshoe Lake State Park
 Kankakee River State Park
 Ramsey Lake State Park
 Sangchris Lake State Park
 Silver Springs State Park
 Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held on September 15, where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area
 Mt. Vernon Game Farm
 Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:30 a.m.

- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

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- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.
- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to two six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

Steel-shot-only-at-Sangchris-bake-State-Park:

(Source: Amended at 16 Ill. Reg. 11041, effective June 30, 1992)

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- 1) HEADING OF THE PART: Falconry and the Captive Propagation of Raptors

- 2) CODE CITATION: 17 Ill. Adm. Code 1590

- 3) SECTION NUMBERS: ADOPTED ACTION:

1590.50 Amendments
1590.60 Amendments
1590.70 Amendments
1590.80 Amendments
1590.90 Amendments
1590.100 Amendments
1590.110 Amendments
1590.120 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 335).

- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 20, 1992, 16 Ill. Reg. 4132

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: Most of the amendments

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were made to include the same language used in federal regulations, thereby reducing conflicts of interpretation. Substantive changes include a requirement to mark all raptors possessed for falconry or captive propagation, a limit to the number of eyasses that can be captured by a permittee, allowing permittees to take geese by falconry methods, prohibiting the release of hybrids, and allowing the import of raptors without a special permit.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER d: FORESTRY

PART 1590
FALCONRY AND
THE CAPTIVE PROPAGATION OF RAPTORS

Section

- 1590.10 Establishment of Rules and Regulations
- 1590.20 Definitions for the Purpose of these Regulations
- 1590.30 Provisions of Rules and Regulations (Repealed)
- 1590.40 Violation of Rules (Repealed)
- 1590.50 Permit and License Requirements
- 1590.60 Examination and Application Procedures
- 1590.70 Inspection of Facilities and Equipment
- 1590.80 Falconry Permits - Class and Types
- 1590.90 Capturing of Raptors - Regulations
- 1590.100 Transfer, Temporary Care and Reporting Requirements
- 1590.110 Hunting Seasons for Falconers
- 1590.120 Special Provisions
- 1590.130 Violation of Rules

APPENDIX A Migratory Bird Acquisition and Disposition Report

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.36) and Section 335 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 335).

SOURCE: Amendment filed November 17, 1977, effective January 1, 1978; emergency amendment at 5 Ill. Reg. 9161, effective September 1, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6207, effective May 14, 1982; amended at 10 Ill. Reg. 16627, effective September 24, 1986; amended at 11 Ill. Reg. 11350, effective June 9, 1987; amended at 12 Ill. Reg. 12807, effective July 26, 1988; amended at 13 Ill. Reg. 10567, effective June 16, 1989; amended at 14 Ill. Reg. 6088, effective April 17, 1990; amended at 15 Ill. Reg. 32, effective December 24, 1990; amended at 15 Ill. Reg. 16681, effective October 31, 1991; amended at 16 Ill. Reg. 11052, effective June 30, 1992.

Section 1590.50 Permit and License Requirements

- a) It shall be unlawful for any person to take, possess, or transport any raptor for falconry purposes or practice falconry in Illinois unless a valid falconry permit has been issued pursuant to these regulations or issued by another State in accordance with federal regulations (50 CFR 21, effective September 14, 1989) (no incorporation in this Part

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includes later amendments or editions).

- 1) Residents - Illinois residents may hold raptors in captivity only under a falconry permit issued by the Department and the U.S. Fish and Wildlife Service.

A) The initial fee for an Illinois Falconry Permit shall be seventy-five (\$75) dollars for three years and must be renewed every three years for a fee of seventy-five (\$75) dollars if raptors are to be possessed or held beyond the permit expiration date.

B) All applicants must be at least 14 years of age.

- 2) Non-Residents - Federally licensed non-resident falconers may transport and possess properly marked raptors in Illinois for falconry purposes on a temporary basis not to exceed 30 days. Written authorization from the Department is required in advance if any such raptor is to be brought into Illinois in excess of 30 days. While in Illinois, all non-residents shall comply with all applicable provisions of this Part and obtain the appropriate hunting licenses, stamps, or permits as may be required under Illinois law.

- b) The falconry permit or a copy must be in the possession of the holder when engaged in falconry activity.
- c) No person shall transfer the falconry permit or unused markers or allow the use thereof by any other persons, nor shall any person while engaged in falconry, use or carry any permit or marker issued to another.

- d) Nothing in this Section shall prohibit a falconry permittee in possession of a letter of authorization of the appropriate class from using the raptor of another permittee for falconry purposes on a temporary basis not to exceed 90 days in accordance with Sections 1590.80 and 1590.100 of this Part.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.60 Examination and Application Procedures

- a) Each new applicant or person whose permit has been revoked or any apprentice class permittee whose permit has expired during the eleven months following the expiration date shall be required to answer correctly at least 80% of the questions on a closed-book examination approved by the Fish and Wildlife Service and monitored by the Department on the biology and care of raptors and hunting and training techniques.

- b) Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six month waiting period from the date of the second exam is required before the examination sequence may be repeated.

- c) When a holder of a falconry permit issued by another state applies for an Illinois falconry permit, the applicant shall submit a copy of his

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current falconry permit and information which consists of the number of raptors possessed and the species, age, sex, date of acquisition and source of each. Provided such an applicant meets federal standards for issuance of a falconry permit (50 CFR 21.28, effective September 14, 1989), such applicant shall enter the same class or an equivalent class as held in the previous state.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.70 Inspection of Facilities and Equipment

- a) All applicants and falconry permit holders must provide suitable facilities for all raptors in possession.

1) All applicant facilities must be inspected and certified by a Department representative prior to issuance of a falconry permit. Permittees who move to a new residence within the State of Illinois prior to the permit's expiration must notify the Department in writing within 5 days and request inspection of any new facilities by a representative of the Department.

- 2) All falconry permit holders are subject to inspection of raptors, eggs, or parts thereof, facilities and equipment at any reasonable time.

3) Raptors shall be provided perches of acceptable design and be protected from excessive temperature (heat and cold), wind, rain, or other inclement weather, from predators, and from undue disturbances.

- b) Facilities shall meet the following standards:

1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors. Raptors shall be tethered or separated by partitions and each bird shall be provided enough area to allow it to fully extend its wings. There shall be adequate perches, a secure door easily closed, and at least one window protected on the inside by vertical bars spaced narrower than the width of the bird's body. The floor shall be well drained and shall permit easy cleaning. An outdoor weathering area must be provided and may be attached to the indoor mew or separated from the building. The weathering area shall be fenced and covered with netting or wire or roofed, except for perches more than 6 1/2 feet high. The enclosed area shall be large enough to insure that birds flying from a perch cannot strike the fence.

- 2) An alternative facility must be an outdoor facility weathering area which meets the standards prescribed in Section 1590.70(b)(1), is big enough to allow easy access for caring for the raptors, and provides adequate perches and protection from excessive sun, wind, and inclement weather for each bird housed in the facility so they do not strike the fence when flying--from the perches--with an enclosure big enough to protect the birds.

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from adverse elements; the enclosure must be provided with a suitable perch; this enclosure must be inside the outdoor facility.

3) Equipment

- A) Jesses - at least one pair of Alymeri jesses or similar type construction of pliable leather or suitable synthetic material for use when any raptor is flown free;
- B) Leashes and swivels - at least one flexible, weather-resistant leash and one strong swivel of acceptable falconry design;
- C) Bath container - a suitable container for each raptor two to six inches deep and wider than the length of the raptor.
- D) Outdoor perches - a weathering area perch of acceptable design for each raptor; and
- E) Weighing device - a reliable scale or balance suitable for weighing the raptors held and graduated to increments of not more than 1/2 ounce or 15 grams.

- 4) All facilities and equipment shall be kept at or above the preceding standards at all times.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.80 Falconry Permits - Class and Types

- a) Apprentice Class. An apprentice-class permittee shall be at least 14 years of age. New applicants, and must serve an apprenticeship under a general or master class permittee for at least two consecutive years the first two years in which an apprentice permit is held, and may possess only one raptor, either a red-tailed hawk, kestrel, or red-shouldered hawk obtained from out-of-state or from another falconer. An apprentice is limited to one replacement raptor per year. Permittees may possess no more than one raptor, and may obtain no more than one replacement raptor during any 12-month period. Permittees may possess only an American kestrel, red-tailed hawk, or red-shouldered hawk taken from the wild in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989) and this Part. Sponsors may not have more than three apprentices at any one time. An applicant may be exempted from this requirement if the applicant has proof of at least two years of licensed experience in the care of raptors and hunting and trapping techniques and approval is granted by the Department.

- b) General Class. After two years of licensed experience and upon written approval by the Department, apprentice-class permittees who are at least 18 years of age shall become a general-class permittee. Permittees must be at least 18 years of age and have at least two years of licensed falconry experience at the apprentice class level. A general-class permittee shall possess no more than two raptors, and may not obtain more than one two replacement raptors per

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year during any 12-month period. A general-class permittee permittees shall not take, transport, or possess any golden eagle or any species or subspecies listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective September 14, 1989 July 15, 1991) (no incorporation in this Part includes later amendments or editions) and the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010).

- c) Master Class. After five years experience at the general-class level, a permittee shall become a master-class permittee. Permittees must have at least five years of licensed falconry experience at the general class level. A master-class permittee permittees shall possess no more than three raptors, and may not obtain more than two replacement raptors per year during any 12-month period. A master-class permittee permittees shall not take, transport, or possess any species or subspecies listed as endangered by the U.S. Fish and Wildlife Service or and the Illinois Endangered Species Protection Board, but may possess captive-bred raptors of such species as part of the three-bird limit (50 CFR 17.7, effective January 1, 1989). A master-class permittee permittees shall not take, transport, or possess in any twelve-month period, as part of the three bird limit, more than one raptor listed as threatened by the U.S. Fish and Wildlife Service and then only in accordance with prior written approval by the Department and the U.S. Fish and Wildlife Service. This Part and federal regulations (50 CFR 17, effective September 14, 1989) (No incorporation in this Part includes later amendments or additions editions). Only master-class permittees may permittees may not take, transport or possess golden eagles under guidelines set forth for falconry purposes unless authorized in writing by the U.S. Fish and Wildlife Service (50 CFR 22.24, effective December 29, 1983). (No incorporation in this Part includes later amendments or additions editions).

- 1) Bald eagles, ospreys, all owls except the great horned owl, species or subspecies prohibited by Section 2.4 of the Wildlife Code (111 Rev. Stat. 1989, ch. 61, par. 2-4) and any species or subspecies considered endangered (or restricted due to a similarity appearing status) by the U.S. Fish and Wildlife Service may not be used or possessed for falconry in Illinois. Use of threatened species shall be in compliance with federal regulations (50 CFR 17, effective September 14, 1989).

- 2) Any raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the U.S. Fish and Wildlife Service (50 CFR 17, effective September 14, 1989) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a licensee from legally obtaining a bird in another state or country and bringing that bird into Illinois provided the applicable permits are obtained.

- d) Upon completing the requirements needed to enter the next highest class, a falconer may submit a written request for an upgrade to the

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Department. The Department shall confirm the completion of all requirements and grant the request upon approval from the U.S. Fish and Wildlife Service.

d) Captive Propagation. Unless this Part is more restrictive, federal regulations (50 CFR 21.30, effective September 14, 1989) shall govern the activities of Illinois Captive Propagation permittees. Raptors held for captive propagation purposes may be held only under permits from both the U.S. Fish and Wildlife Service and the Department. The initial fee for a captive propagation permit is seventy-five (\$75) dollars for three years and must be renewed every three years if raptors are to be possessed or held beyond the permit expiration date. A holder of an Illinois captive propagation permit must also be a holder of an Illinois falconry permit. An Illinois captive propagation permit holder may transfer, purchase, sell, or barter raptors, raptor eggs, or raptor semen in accordance with federal regulations (50 CFR 21.30, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions), this Part, and the laws of other jurisdictions in which these products are transferred, purchased, sold, or bartered. Nothing in this Part shall prevent a permittee from holding individual birds under the authority of both the falconry permit and the captive propagation permit at the same time within the numerical limits for the falconry permit.

1) Raptors shall not be cross-bred (hybridization) unless specific authorization is granted by the Department.

2) Raptors may be loaned for breeding purposes in accordance with Section 1590.100 of this Part.

3) Markers shall be placed on all raptors used for captive propagation and all captive-produced raptors as directed by the Department or the U.S. Fish and Wildlife Service (50 CFR 21, effective September 14, 1989).

f) All raptors possessed under authority of an Illinois falconry permit must be identified by a marker. The loss or removal of any marker must be reported to the Department and the U.S. Fish and Wildlife Service (on U.S. Fish and Wildlife Service Form 3-186A) within five working days of the loss or removal. The band must be replaced by a marker provided by the Department. A U.S. Fish and Wildlife Service Form 3-186A must be filed within 5 days of receipt of the replacement marker.

g) No person may possess a bald eagle, osprey, or any owl, except great-horned owls, for falconry purposes (Ill. Rev. Stat. 1991, ch. 61, par. 2.4).

e) The Department shall issue special use permits in accordance with 17 Ill. Adm. Code 520.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.90 Capturing of Raptors - Regulations

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a) A permittee in possession of a valid "Capture Permit" may capture raptors of a non-prohibited species or subspecies. The capture season for immature raptors capable of flight (passage) and adult (haggard) kestrels and great horned owls shall be between September 1 and January 31; the capture or taking of any young bird in Illinois not yet capable of flight (eyes) is limited to general and master class permittees during the first, second, third and fourth Saturdays in March and from May 20 to June 11; permittees may take no more than two eyasses during this period. When eyasses are captured, at least one eyas shall be left in the nest. No permittee may capture any raptor without an appropriate permit from the Department to do so. The Department shall determine eligibility by compliance with the provisions of this Part. The fee for a raptor capture permit for a resident of the State of Illinois is thirty (\$30) dollars per-year. The fee for a non-resident raptor capture permit is fifty (\$50) dollars per-year. Such permits shall expire on January 31 of each year, and shall authorize the permittee to take up to his legal limit of raptors for possession and/or replacement. The Department will authorize up to 250 "Capture Permits" annually. Requests for capture permits in excess of 250 will be considered first in following years. All raptors shall be captured in a humane manner. Marked raptors that escape or are lost may be recaptured at any time without a capture permit.

1) The A marker must be attached to the any raptor immediately upon acquisition taken in Illinois, and written notification the State's copy of U.S. Fish and Wildlife Service form 3-186A provided to the Department within five days of capture as determined by the postmark.

2) Markers shall not be altered, counterfeited, or defaced.

3) Permit holders capturing any previously marked raptor(s) shall immediately report such trapping to the Department or the previous owner.

b) Species or sub-species not prohibited; may be imported into Illinois after obtaining a permit from the Department; this permit will be issued only after receipt by the Department of a letter of authorization or permit from the authorized agency in charge of the location from where the raptor is to be obtained. Any wild raptor listed as endangered or threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective July 15, 1991) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a master class permittee from obtaining a wild raptor listed as threatened by the U.S. Fish and Wildlife Service (50 CFR 17, effective July 15, 1991), provided such raptors are captured legally in another state or country, or transferred from another falconer in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989), this Part, and the laws of the jurisdiction in which such raptors are obtained.

c) Any wild raptor listed as endangered or threatened by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) but not

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by the U.S. Fish and Wildlife Service (50 CFR 17, effective July 15, 1991) may not be captured in Illinois for falconry purposes. This prohibition shall not prevent a permittee from obtaining such species, provided they are captured legally in another state or country or transferred from another falconer in accordance with federal regulations (50 CFR 21.29, effective September 14, 1989), this Part, and the laws of the jurisdiction in which such raptors are obtained.

d) Except as provided for in Sections 1590.50(a)(2) and 1590.50(d), any unmarked raptors imported into Illinois must be identified with a marker provided by the Department, and the State's copy of U.S. Fish and Wildlife Service Form 3-186A returned to the Department within five days after marking, as determined by the postmark.

e) Raptors taken under a depredation (or special purpose) permit may be used for falconry by general or master falconers in compliance with federal regulations (50 CFR 21, effective September 14, 1989) (No incorporation in this Part includes later amendments or additions).

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.100 Transfer, Temporary Care and Reporting Requirements

a) Permittees shall not purchase or sell any raptor except as specified in Section 1590.80(d)(e) or 1590.100(f)(e).

b) Permittees may exchange or transfer raptors only with prior written authorization from the Department when the exchange or transfer involves interstate movement of the raptor. Permittees may exchange or transfer raptors without written authorization from the Department when the exchange or transfer occurs entirely within Illinois (intrastate). The Department must be notified in writing of such transfers within five days on U.S. Fish and Wildlife Service Form 3-186A (See Appendix A), as determined by the postmark.

c) Raptors that escape, are lost, die in captivity, or whose status is otherwise changed Any change in the status of a raptor shall be reported, in writing, to the Department within five days, as determined by the postmark, on the State's copy of U.S. Fish and Wildlife Service Form 3-186A. A change in status shall include, but is not limited to, death, escape, release, theft, gift, loan, sale, transfer, capture, and re-banding. The carcasses of dead raptors shall be disposed of at the direction of the Department. Markers, and markers shall be turned over to the Department.

d) Raptors permanently released into the wild--non-native Non-native raptors, hybrids, and golden eagles may not be permanently released in Illinois--shall be reported to the Department in writing on U.S. Fish and Wildlife Service Form 3-186A within five days after such release as determined by the postmark. Raptors to be released must be banded with an official U.S. Fish and Wildlife Service aluminum band by the Department or an authorized bird bander whenever possible and have

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the permanent marker removed and surrendered to the Department.

e) Falconry permit holders of the appropriate class may temporarily care for the raptor(s) of another permittee in accordance with the following:

- 1) For care periods not exceeding thirty days, written authorization from the permittee and U.S. Fish and Wildlife Service Form 3-186A shall accompany the raptor. The written authorization shall include the name and permit number of the permittee and name and permit number of the permit holder providing the temporary care. The written authorization shall be an original copy bearing the signature of the permittee and dated by the permittee as to when such temporary care will begin. Each raptor must be accompanied at all times by a copy of the U.S. Fish and Wildlife Service Form 3-186A (See Appendix A) which shows that the raptor was legally acquired and possessed by the owner.
- 2) For care periods exceeding thirty days, the Department shall be notified at least five days in advance in writing as to when the transfer will occur, the location where the raptor(s) will be, who will be caring for the raptor(s), approximately how long the raptors will be there, and the reason for temporary care. The permittee providing temporary care for the raptor(s) must possess a signed, dated letter of authorization from the owner which includes the names, addresses, and permit numbers of the owner and persons providing care, the marker number(s) of the raptor(s) which are being cared for, and the location at which the raptors will be held during the temporary care period.

f) Nothing in this Section shall prohibit a falconry permittee from purchasing, selling, or bartering a captive-bred raptor provided that the transaction is in accordance with federal regulations (50 CFR 21.28, effective September 14, 1989) (no incorporation in this Part includes later amendments or editions), this Part, and the laws of the jurisdiction in which the captive-bred raptor is purchased, sold, or bartered, the captive-bred raptor is of a species which may be legally held by the permittee (see Section 1590.80), and the captive-bred raptor was legally acquired by the person from whom it is being purchased as demonstrated by the U.S. Fish and Wildlife Service forms.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.110 Hunting Seasons for Falconers

a) Falconers shall possess a valid hunting license, appropriate State and Federal stamps and abide by all wildlife code regulations.

b) The statewide seasons for harvesting the following game birds, game mammals, and fur-bearing mammals by falconry methods shall be:

- 1) Cock and Hen Pheasant, Bobwhite Quail, Hungarian (Gray) Partridge, Cottontail and Swamp Rabbits, Raccoon, Opossum, Skunk, Gray Fox, and Red Fox: 1 October - 31 March

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- 2) Fox and Gray Squirrels: 1 August - 31 January
- c) Seasons for harvesting the following migratory birds by falconry methods shall be in accordance with federal regulations (50 CFR 20.109, effective October 4, 1985) (no incorporation in this Part includes later amendments or editions): Snipe, Rails (Sora and Virginia), Ducks, Geese, Coot, Woodcock, Dove and Crow.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

Section 1590.120 Special Provisions

- a) Moulted and salvaged feathers from birds held in captivity may be retained and exchanged by their permittees for imping purposes only.
- b) Any person convicted of illegal possession of raptors shall have his (or her) permit revoked and his (or her) raptors confiscated by the Department. The Department shall dispose of the confiscated raptor by transferring the raptor to another permittee, releasing to the wild, or destroying the raptor if it is unsuitable to be transferred or released.
- c) Convictions of any Section of this Part shall result in a period of suspension or revocation of the permittee's falconry privileges for up to 5 years by the Department, pursuant to 17 Ill. Adm. Code 2530.
- d) **Raptor--species** Individual raptors in possession prior to February 1, 1975 (excluding species subject to the Illinois Endangered Species Protection Act, effective April 1973) are exempt from the possession requirements of Section 1590.60 of this Part.
- e) A permittee who possesses a lawfully acquired raptor on which a marker is attached and is listed as endangered by the Illinois Endangered Species Protection Board (17 Ill. Adm. Code 1010) and not by the Fish and Wildlife Service (50 CFR 17, effective September 30, 1985), and such raptor(s) were acquired prior to the enactment of these regulations or prior to listing of such bird to the Endangered Species list of Illinois or the United States, legally acquired out of state (see Section 1590.90(b)), or is the progeny of two legally held birds (see Section 1590.80(d) (e) and Section 1590.100(f) (e)), shall be allowed to possess such raptor(s) as part of the permittee's falconry permit class.
- f) Nothing in this Part shall prohibit the use of raptors held on a falconry permit for educational purposes.
- g) Permittees in possession of an Illinois Game Breeders Permit may train raptors by using or killing pen reared game at any time.

(Source: Amended at 16 Ill. Reg. 11052, effective June 30, 1992)

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- 1) **HEADING OF THE PART:** General Hunting and Trapping on Department-Owned or -Managed Sites
- 2) **CODE CITATION:** 17 Ill. Adm. Code 510
- 3) **SECTION NUMBERS:** 510.10
ADOPTED ACTION: Amendments
- 4) **STATUTORY AUTHORITY:** Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a28)
- 5) **EFFECTIVE DATE OF AMENDMENTS:** June 30, 1992
- 6) **DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE?** No
- 7) **DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE?** No
- 8) **DATE FILED IN AGENCY'S PRINCIPAL OFFICE:** June 29, 1992
- 9) **NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER:** April 10, 1992, 16 Ill. Reg. 5436
- 10) **HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES?** No
- 11) **DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:** None
- 12) **HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR?** Yes
- 13) **WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT?** No
- 14) **ARE THERE ANY AMENDMENTS PENDING ON THIS PART?** No
- 15) **SUMMARY AND PURPOSE OF AMENDMENTS:** This Part was amended to clarify regulations regarding use of tree stands during muzzleloading deer season and include handgun and muzzleloading deer hunting as controlled hunting programs.
- 16) **INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:**

DEPARTMENT OF CONSERVATION

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Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510

GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a28).

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992.

Section 510.10 General Site Regulations

a) Regulations

- 1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, pars. 1.2 et seq.), federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.

- 2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
- 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
- 3) Restricted area - a defined location at a site with a set

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boundary within which hunting and/or trapping is prohibited.

- 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

- 5) Adult - a person 18 years of age or older.

c) It shall be unlawful:

- 1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day, unless otherwise specified in 17 Ill. Adm. Code 650, 660, and 670 and 680.
 - 4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed recreation areas.
 - 5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.
 - 6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.
 - 7) To hunt or trap outside designated areas at the site.
 - 8) To trespass within a refuge.
 - 9) To hunt or trap on any department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 730, and 740).
 - 10) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Conservation hunting or trapping fees.
 - 11) To hunt or trap without a valid permit where permits are required.
 - 12) To enter a refuge or restricted area to retrieve wounded game unless authorized by the Department. Authorization may be obtained from any Department employee at the site. Authorization will be based upon person's apparent ability to retrieve game without dog or weapons.
- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated,

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hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).

- 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, state sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.

- 34) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.

- 45) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (See Parts 650, 660, and 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

- e) Only shotgun or bow and arrow shall be used for hunting unless otherwise specified.

- f) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by news release that the quota will be filled by drawing or special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.

- g) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock. Trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange during the upland game season on sites where upland game hunting is in progress.

(Source: Amended at 16 Ill. Reg. 11064, effective June 30, 1992)

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- 1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

- 2) CODE CITATION: 17 Ill. Adm. Code 570

- 3) SECTION NUMBERS:

570.20
570.30
570.40

ADOPTED ACTION:

Amendments
Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5443

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: In Section 570.30(b)(1), "January 3 in the Northern Zone and" and "in the Southern Zone" were removed.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to change season dates for furbearer trapping to minimize conflicts with upland game hunters and to allow trappers an opportunity to trap before the firearm deer season begins.

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- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

- Section
570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
1) Northern Zone: November 5 through January 3.
2) Southern Zone: November 16 through January 14.
- b) Red fox, gray fox and coyote
1) Northern Zone: November 16 through January 14.
2) Southern Zone: November 16 through January 14.
- c) Beaver
1) Northern Zone: November 5 through March 31, except those portions of Carroll, Whiteside, and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 5 through January 3, inclusive.
2) Southern Zone: November 16 through March 31.
- d) Woodchuck (Groundhog)
Northern and Southern Zones: June 1 through September 30.

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(Source: Amended at 16 Ill. Reg. 11069, effective June 30, 1992)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
1) Trapping hours: November 5 in the Northern Zone and November 16 in the Southern Zone open for trapping at sunrise; January 3 in the Northern Zone and January 14 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
2) Daily and possession limit: None
- b) Red fox, gray fox and coyote
1) Trapping hours: November 16 open for trapping at sunrise; January 3 in the Northern Zone and January 14 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
2) Daily and possession limit: None
- c) Beaver
1) Trapping hours: November 5 in the Northern Zone and November 16 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 3 after sunset; otherwise, hours are unrestricted.
2) Daily and possession limit: None
- d) Woodchuck (groundhog)
1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
2) Daily and possession limit: none.

(Source: Amended at 16 Ill. Reg. 11069, effective June 30, 1992)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

- a) General Regulations
1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.
3) Trappers must stay within designated areas.
4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the

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drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. permit applicants must submit name and address to the site prior to drawing.

- 5) All sites except Amox Leased Lands, Lake Kinkaid, Mississippi River Pools 16, 17, 18, 21, 22, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area and Savanna Ordnance Depot require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

- 6) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body gripping traps with a 10 inch jaw spread or larger must be totally submerged in water when set:

Amox Leased Lands

Anderson Lake Conservation Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Argyle Lake State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Banner Marsh State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Big Bend Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; after the close of upland season foot-hold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which shall be issued at the site headquarters)

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Clinton Lake Recreation Area (permit required; water sets only) Coffeen Lake State Park (permit required; water sets only; no trapping during duck season)

Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Dog Island Wildlife Management Area (permit required; water sets only)

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only (permit required; water sets only)

Fort de Chartres Historical Site (permit required; water sets only)

Giant City State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used)

Hennepin Canal Parkway including Sinissippi Lake (permit required; water sets only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season)

Horseshoe Lake Conservation Area (Alexander County) (permit required; water sets only)

I & M Canal (permit required; only box or cage-type traps may be used for land sets)

Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doza Creek Waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake State Natural Area

Lake Kinkaid

Lake Le-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current of previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters BCWA and the year; permit must be in possession when on the area for trapping purposes; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or

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less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of the muskrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during waterfowl season; all traps must be tagged with the letters SFWA and the year); only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of muskrat season)

Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Metmet Lake Fish and Wildlife Area (permit required; water sets only)

Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Mississippi River Pools 16, 17, 18, 21, 22, 24
Mississippi River Pools 25, 26 (permit required; water sets only; no trapping during waterfowl season)

Moraine Hills State Park (permit required; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to Wildlife Area only; only muskrats may be taken; all traps must be water sets only; furthermore, only bodygripping traps with a jaw spread of 5 inches or less may be used)

Morrison Rockwood State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Panther Creek Conservation Area

Pyramid State Park (permit required; water sets only)

Randolph County Conservation Area (permit required; water sets only)

Rend Lake Project Lands and Waters (water sets only)

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Rice Lake Fish and Wildlife Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box- or cage-type traps may be used for land sets)

Rock Cut State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Sanganois Fish and Wildlife Area (no trapping in designated duck rest areas during the duck season)

Sangchris Lake Fish and Wildlife Area (permit required; water sets only; no trapping during duck season)

Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Sparland Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Ten Mile Creek State Fish and Wildlife Area (permit required; water sets only; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned to the site office by March 15)

Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)

Union County Conservation Area (permit required; water sets only)
Washington County Conservation Area (permit required; water sets only)

c) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations

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shall be announced publicly by the Department through the news media by September 1 of each year.

- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 16 Ill. Reg. 11069, effective June 30, 1992)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

- 2) CODE CITATION: 17 Ill. Adm. Code 550

- 3) SECTION NUMBERS: ADOPTED ACTION:

550.20

Amendments

550.30

Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5454

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to change season dates for raccoon, opossum, red fox and gray fox hunting to accommodate changes in the firearm deer hunting season dates and to amend woodchuck hunting hours to comply with limits in the Wildlife Code.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and
Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed
Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28, and 3.29).

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992.

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

- 1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.
- 2) Northern Zone hunting dates: November 5 through January 18, except as noted in Section 550.10(a) above.
- 3) Southern Zone hunting dates: November 18 through January 26, except as noted in Section 550.10(a) above.
- 4) Hunting hours: November 5 in the Northern Zone and November 18 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 2.26).

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- b) Daily limit and possession limit: None.
- Red fox and gray fox
- 1) Hunting dates: November 16 through January 31, except as noted in Section 550.10(a) above.
- 2) Hunting hours: Opens November 16 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.
- 3) Daily limit and possession limit: None.
- c) Coyote and Striped Skunk
- 1) Hunting dates: Year around except as noted in Section 550.10(a) above.
- 2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours.
- 3) Daily limit and possession limit: None.
- d) Woodchuck (groundhog)
- 1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.
- 2) Hunting hours: One-half hour before sunrise to sunset.
- 3) Daily limit and possession limit: None.

(Source: Amended at 16 Ill. Reg. 11078, effective June 30, 1992)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this section is more restrictive.
- b) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report shall result in the hunter being ineligible to hunt at that site for the following year.
- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):
- Anax Leased Lands (.22 rimfire firearms may be used from sunset to sunrise)
- Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl season; .22 rimfire firearms may be used from sunset to sunrise)

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Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Banner Marsh State Fish and Wildlife Area (coyote only; shotgun and archery only; season to coincide with the site where upland game is hunted (see Section 530.10(b) and Section 530.20(b)) and site archery deer hunting seasons (See Section 670.10))

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Campbell Pond Wildlife Management Area

Cache River State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; return permit by February 15; .22 rimfire firearms may be used from sunset to sunrise; no woodchuck hunting; coyote and striped skunk season coincides with statewide fox season.)

Crawford County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Dog Island Wildlife Management Area

Eldon Hazlet State Park north of Allen Branch and west of Peppenhorst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season January 1 through the end of the statewide season; coyote season January 1 - February 28; .22 rimfire firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (Raccoon, opossum and coyote only; raccoon and opossum hunting permitted after close of permit pheasant season, permit required, .22 rimfire firearms may be used, hunting hours sunset to sunrise only; coyote hunting permitted as prescribed in Section 550.10(a) and sunrise to

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sunset from the end of permit pheasant season to January 31 and sunset to sunrise from end of permit pheasant season to end of fox season during which time .22 rimfire firearms may be used to take coyotes, free permit required)

Kankakee River State Park (raccoon and opossum hunting: .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Wednesday prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise during-raccoon-season from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, Illinois 61858).

Kidd Lake State Natural Area (.22 rimfire may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Lake Kankakee Fish and Wildlife Area
Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Lincoln Trail State Park (raccoon hunting only, .22 rimfire firearms may be used, hunting hours sunset to sunrise only, permit required, obtain from site office; hunters must report harvest to site superintendent by December 31; hunting season November-25-to-December-20 from sunset November 23 to sunrise December 2 and sunset December 7 to sunrise December 21)

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Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - state closing; coyote January 1 - February 28; .22 rimfire firearms permitted)

Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted; .22 rimfire firearms may be used from sunset to sunrise)

Middlefork Fish and Wildlife Area (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise during-raccoon-season from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, Illinois 61858)

Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas; .22 rimfire firearms permitted)

Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted; hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)

Panther Creek Conservation Area (.22 rimfire firearms permitted; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C; .22 rimfire firearms permitted)

Ramsay Lake State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Randolph County Conservation Area (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Rend Lake Project Lands and Waters

Rockhouse Creek (Montroe County)

Saline County Conservation Area (hunting north of the township road only; coyote and striped skunk season to coincide with the statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Sand Ridge State Forest (permit required; raccoon and opossum season dates shall coincide with trapping season; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted)

Sangamon County Conservation Area

Sangamon Conservation Area (hunting prohibited within 300 ft. of legal blinds or developed areas; .22 rimfire firearms may be used from sunset to sunrise)

Sangchris Lake State Park (fox and coyote hunting only; hunting

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is prohibited within 200 yards of developed areas such as picnic and camping areas; hunters pursuing upland game, waterfowl, or deer in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530, 590, 650, 660 and 670, respectively, may take fox and coyote during the statewide seasons for fox and coyote hunting. In addition, fox and coyote may be taken during statewide hunting hours from the end of the goose hunting season in the central zone to the end of the statewide fox hunting season; coyotes may be taken from one-half hour before sunrise to sunset from the close of the statewide fox season through March 31; any fox or coyote taken must be removed from the site; hunters must report harvest at site office)

Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon)
Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes 3 days before opening of waterfowl season and remains closed through the waterfowl season; hunting hours are sunrise - noon; steel shot only)
Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; hunting hours are 4:00 a.m. to 8:00 p.m. through January 31; coyote season closes March 1; hunters must check in and check out and report harvest prior to leaving site)

Stephen A. Forbes State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)
Tapley Woods State Natural Area (muzzle-loading rifles and .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)
Ten Mile Creek State Fish and Wildlife Area (permit required; .22 rimfire firearms may be used from sunset to sunrise; parking cards must be displayed in windshield; permits must be returned by February 15 to the District Wildlife Manager, 7008 West Lafayette, P.O. Box 313, Olney, Il. 62450; areas designated as Refuge are closed to all access during Canada Goose Season only)
Trail of Tears State Forest (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; permit required, obtain from site office; permit must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 1331, Jonesboro, Il. 62952)

Turkey Bluffs Fish and Wildlife Area (permit required for night hunting; .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)
Walnut Point Fish and Wildlife Area (raccoon hunting only; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required; hunters must report harvest to the site

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superintendent by December 31; hunting allowed November 25 23 to sunrise on the Wednesday prior to the second firearm deer season and from sunset December 7 to sunrise December 21)
Washington County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)
Weinberg Weinberg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)
Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)
Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after waterfowl season closes; .22 rimfire firearms may be used from sunset to sunrise only)

d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)
Eagle Creek State Park (no night hunting)
Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)
Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)
Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

(Source: Amended at 16 Ill. Reg. 11078, effective June 30, 1992)

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Squirrel Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 690
- 3) SECTION NUMBERS: ADOPTED ACTION:
690.20 Amendments
690.30 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 3, 1992, 16 Ill. Reg. 5157
- 10) HAS JCARE ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCARE BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCARE? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments revise hunting dates for squirrel season on various state sites and open three new state sites.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:
Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE.

ILLINOIS REGISTER 11088
DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENT(S)
TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE
PART 690
SQUIRREL HUNTING

Section
690.10 Hunting Zones
690.20 Statewide Regulations
690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992.

Section 690.20 Statewide Regulations

- a) Fox squirrels and gray squirrels (including their black color phase) are the only tree squirrels that may be hunted or taken.
- b) Southern zone season dates: August 1 through December 31 (except closed during firearm deer season seasons, as set by 17 Ill. Adm. Code 650).
- c) Northern zone season dates: September 1 through December 31 (except closed during firearm deer season seasons, as set by 17 Ill. Adm. Code 650, in those counties open to firearm deer hunting).
- d) Hunting hours: Sunrise until sunset.
- e) Daily limit: 5 fox and gray (including their black color phase), squirrels, singly or in combination.
- f) Possession limit: 10 fox and gray (including their black color phase), singly or in combination, except on opening day of the season when only 5 squirrels may be in possession.

(Source: Amended at 16 Ill. Reg. 11087, effective June 30, 1992)

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Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):
- * AMAX Leased Lands
 - Anderson Lake Conservation Area
 - Argyle Lake State Park
 - Big Bend Conservation Area
 - Big River State Forest
 - * Cache River State Natural Area (Little Black Slough Hunting Area)
 - * Cache River State Natural Area (Lower Cache River Hunting Area)
 - * Campbell Pond Wildlife Management Area
 - * Carlyle Lake Lands and Waters - Corps of Engineers managed lands
 - * Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)
 - * Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; must return permit by February 15)
 - * Crawford County Conservation Area
 - * Dog Island Wildlife Management Area
 - * Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch)
 - * Fort de Chartres Historic Site (hunting with muzzleloading firearms or bow and arrow)
 - * Fort Massac State Park (east of Massac Creek only)
 - * Green River State Wildlife Area (Lee County Conservation Area) (September 6 - October 31, no hunting during field trials)
 - * Horseshoe--Lake--Public-Hunting-Area---Alexander-County--(north-of Route--3--only)
 - I-24 Wildlife Management Area
 - * Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)
 - * Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
 - * Kidd Lake State Natural Area
 - * Kinkaid Lake Fish and Wildlife Area
 - * Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no handguns)
 - * Mackinaw State Fish and Wildlife Area (September 1 - October 31)
 - * Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)

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- * Marshall State Fish and Wildlife Area
- * Mermet Lake Conservation Area (from opening day until the first day of the duck season)
- * Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- * Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26
- * Panther Creek Conservation Area
- * Pike County Conservation Area (no hunting after November 30 in Area A; no hunting after December 15 in Area C)
- Ramsey Lake State Park
- Randolph County Conservation Area
- Red Hills State Park
- * Rend Lake Project Lands and Waters
- * Rockhouse Creek (Monroe County)
- * Saline County Conservation Area (North of the township road)
- Sam Dale Lake Conservation Area
- Sam Parr Fish and Wildlife Area
- * Sand Ridge State Forest (from opening day until the first day of the upland hunting season)
- * Sangamon County Conservation Area
- * Sanganois Conservation Area
- * Shawnee National Forest, LaRue Scatters (closes at noon)
- * Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of Big Muddy Levee, closes at noon, steel shot only)
- Site M (Saturdays and Sundays as announced by the Department; land leased from Commonwealth Edison in Cass County; hunter quota to be announced by public news release; check station will open at 5 a.m., and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out and report harvest immediately after hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)
- Stephen A. Forbes State Park
- Tapley Woods State Natural Area (closed during fall firearm turkey season)
- * Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)
- * Trail of Tears State Forest
- * Turkey Bluffs State Fish and Wildlife Area
- Washington County Conservation Area
- Weinberg-King State Park
- * Wildcat Hollow State Forest
- * Witkowsky State Wildlife Area

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- d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park
Giant City State Park
Hamilton County Conservation Area
Pere Marquette State Park
Pyramid State Park
Saline County Conservation Area (south of Township Road)
Siloam Springs State Park
Walnut Point Fish and Wildlife Area

- e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):

Argyle-Bake-State-Park; October-15-to-the-end-of--the--statewide season

Castle Rock State Park; September 1 - October 15
Chain O'Lakes State Park (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

- * Horseshoe Lake Public-Hunting Conservation Area, Alexander County--south-of-Rt-9-only; Public Goose Hunting Area, August 1 - September-30 October 15; other portions of Public Hunting Area open during statewide season

Iroquois County Conservation Area; September 1 - 30

Johnson Sauk Trail State Park; September 15 - 30

Jubilee College State Park; September 1 - 30 (Sunrise - 4:00 p.m.)

Kankakee River State Park; September 1 - 30

Moraine View State Park; September 1 - day before opening of site's permit pheasant season (Sunrise - 4:00 p.m.)

Silver Springs State Park; September 1 - 30 in Area A, B, and C; September-1--October-31-in-Area-B; harvest must be reported before leaving the site; daily quota filled on first-come, first-serve basis

Spring Lake Conservation Area; September 10 - 30 (Sunrise - 4:00 p.m.)

- * Union County Public-Hunting Conservation Area - Public Goose Hunting Area; August 1 - October 15; Firing-Line-Management-Unit; August-1--November-1 other portions of Public Hunting Area open during statewide season

Walnut-Point-Fish-and-Wildlife-Area; October-1-15-Monday--Friday only--daily-from-October-16-to-end-of-Statewide-Season

Woodford County Conservation Area; September 1-30

- f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by

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- February 15 or hunter will forfeit hunting privileges for that site for the following year.

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

* Fox Ridge State Park (no handguns)

* Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)

* Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

Mt. Vernon Propagation Center (August 1-31; sunrise to 3:00 p.m.; site permit required; report by September 15)

(Source: Amended at 16 Ill. Reg. 11087, effective June 30, 1992)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season

2) CODE CITATION: 17 Ill. Adm. Code 720

3) SECTION NUMBERS: ADOPTED ACTION:

720.10 Amendments
720.20 Amendments
720.30 Amendments
720.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11).

5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5466

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: In Section 720.30(c), "drawn" in the third line was changed to read "draw".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments were made to change the definition for a legal broadhead used in the harvesting of wild turkeys, add sites, clarify existing language and modify site-specific regulations for archery hunting of wild turkeys.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

- Section
720.10 Hunting Seasons and Counties Open to Hunting
720.20 Turkey Permit Requirements
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10, and 2.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992.

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through December 31, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650, except those Department of Conservation (Department or DOC) sites designated below by asterisk, shall be open to archery turkey hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).
- b) Open Counties:

Adams	Johnson
Alexander	Knox
Brown	Macoupin
Calhoun	Marion
Carroll	Marshall
Cass	McDonough
Clay	Monroe
Effingham	Ogle
Fayette	pike
Fulton	Pope
Gallatin	Putnam
Greene	Randolph

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Hancock	Rock Island
Hardin	Saline
Henderson	Schuyler
Jackson	Scott
Jersey	Union
Jo Daviess	Washington
	Williamson

(Source: Amended at 16 Ill. Reg. 11093, effective June 30, 1992)

Section 720.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$5.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit
524 S. Second Street, Room 210
P.O. Box 19446

Springfield, Illinois 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.
- c) Applications will be accepted beginning the first Monday in June. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.
- d) Illinois-resident-landowners Landowners including non-resident and out-of-state landowners who own or tenants-of 40 acres or more land and resident tenants and members of their immediate family may apply for a free turkey permit for their property only in counties open for turkey hunting. A resident tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on

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the property must possess a valid hunting license. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.

e) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:

- A) Submittal of a copy of property deed;
- B) Submittal of a copy of contract for deed;
- C) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
- D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
- E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

3) If you are applying for a tenant permit, you are required to submit in addition to the landowner certification and proof of ownership, a copy of one of the following:

- A) A copy of Internal Revenue Service Schedule F 1987. Submittal of a copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- B) Submittal of a copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.

4) A hunting rights lease or other non-agricultural lease is not valid for as a basis for obtaining a landowner or tenant permit. A trustee of a land trust is not eligible to receive a landowner permit.

5) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is

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being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

f) A \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail then there will be no charge.

g) It shall be unlawful to:

- 1) Submit more than one application for the same person.
- 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 16 Ill. Reg. 11093, effective June 30, 1992)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait;
- b) to take, or attempt to take, more than 1 wild turkey during the fall archery season (either sex may be harvested);
- c) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch drawn draw; a hunting arrow with a metal barless broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal;
- d) to hunt except from 1/2 hour before sunrise to sunset during each day of the season;
- e) for any person having taken a wild turkey to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- f) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession;
- g) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;
- h) to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope

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supplied within 48 hours of taking a turkey with bow and arrow. Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and

i) to possess, while in the field during archery turkey season, any turkey permit issued to another person.

(Source: Amended at 16 Ill. Reg. 11093, effective June 30, 1992)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Statewide regulations shall apply for the following sites:

- AMAX Leased Lands
- Anderson Lake Conservation Area
 - Argyle Lake State Park (October 15 through December 31)
 - Beaver Dam State Park (2 hunters per day; closed weekends)
 - Big River State Forest
 - Carlyle Lake Wildlife Management Area and Corps of Engineers managed land (subinbound area closed 3 days prior to and during the duck season)
 - Castle Rock State Park (November 1 - December 31)
 - Dog Island Wildlife Management Area
 - Ferne Clyffe State Park
 - Fort de Chartres Historic Site
 - Giant City State Park
 - Kaskaskia River State Fish and Wildlife Area (south of Highway 154 only)
 - Kinkaid Lake Fish and Wildlife Area
 - ~~Barre-Scatters~~
 - Mississippi Palisades State Park (season dates - November 1 - December 31)
 - Mississippi River Pool 18 in Henderson County only
 - ~~Oakwood-Bottoms~~
 - Pere Marquette State Park
 - Pike County Conservation Area ~~October-1---~~ Hunting closes November 30 ~~only~~ in Area A; Hunting closes December 15 in Area C
 - Randolph County Conservation Area
 - Ramsey Lake State Park
 - Rockhouse Creek (Monroe County)
 - Saline County Conservation Area
 - Shawnee National Forest
 - Siloam Springs State Park
 - Site M (in designated areas only; hunting will be allowed on weekends as announced by the Department)
 - Stephen A. Forbes State Park

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Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Public Hunting Area (October 1-15 only)

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

Witkowsky State Wildlife Area

c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 16 Ill. Reg. 11093, effective June 30, 1992)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Gun Season

2) CODE CITATION: 17 Ill. Adm. Code 715

3) SECTION NUMBERS: ADOPTED ACTION:

715.10 Amendments
715.20 Amendments
715.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5475

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments change the 1992 season dates, eliminate listing of permit quotas, change application deadline dates and modify site-specific regulations.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

715.10 Hunting Season, Open Counties and Permit Quotas

715.20 Turkey Permit Requirements

715.30 Turkey Hunting Regulations

715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: October 12 17 through October 20, 1991-1992 25, 1992.
b) Open Counties and Permit Quotas

OPEN COUNTIES	NUMBER OF PERMITS PER SEASON
Adams	200
Alexander	150
Brown	200
Calhoun	200
Carroll	150
Gallatin/Hardin (south of Rt. 13 only)	200
Greene	100
Jackson	250
Jersey	175
Jo Daviess	400
Marshall/Putnam (east of Ill. River only; north of State Hwy 17 and south of the McNabb Blacktop (County Road 500 N. only))	75
Pike	350
Pope (north of Rt. 146 only)	300
Saline	75
Schuyler	300
Union	250
Williamson	50

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- c) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis.

(Source: Amended at 16 Ill. Reg. 11101, effective June 30, 1992.)

Section 715.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged the same fee for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 3.1) are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210

P.O. Box 19446

Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only beginning the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications postmarked after July 19 17 shall not be included in the drawing.
- d) Permits not issued during the computerized drawing shall be available in a random daily drawing beginning August 26 24. All hunters not receiving a permit in the computerized drawing and non-residents may apply at this time for the available permits.
- e) Any permits not issued as of the third Monday in September shall also be available in a random daily drawing to those hunters who have previously received one permit.
- f) Landowners or --tenants-- of including non-resident and out-of-state

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landowners who own 40 acres or more land and resident tenants and members of their immediate family may apply for one free turkey permit for their property only in areas open for turkey hunting. A resident tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license.

9) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

- 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:
 - A) Submittal of a copy of property deed;
 - B) Submittal of a copy of contract for deed;
 - C) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
 - D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
 - E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

- 3) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - A) A copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - B) A copy of either an Agricultural Stabilization and Conservation Services 476 form or Commodity Credit Corporation 477 form.

- 4) A hunting rights lease, or other non-agricultural lease, is not valid for as a basis for obtaining a landowner or tenant permit.

- 5) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit for every 40 acres of owned or rented land.

- 6) For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.

- 7) Shareholders of corporations owning 40 or more acres of land in an area open to hunting may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations

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shall not be considered as a basis for a free permit of the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

- h) A \$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.

- i) It shall be unlawful to:
 - 1) Submit applications for receiving more than one permit for the same person; or
 - 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 16 Ill. Reg. 11101, effective June 30, 1992)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations (see 17 Ill. Adm. Code 510) shall apply for the following sites:

AWAX Leased Lands in Schuyler County
 Bog-Island-Wildlife-Management-Area
 Mississippi River Pools 21, 22, 24, 25 and 26
 Pike County Conservation Area

Shawnee National Forest

- b) Statewide regulations shall apply except that all hunters must check in and check out and must report turkey harvest at the check station or on a sign out sheet at the areas listed below. Quotas, where listed, shall be on a first-come, first-serve basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Giant City State Park

Pere Marquette State Park - Public Hunting Area

Saline County Conservation Area

Silloom Springs State Park - quota 20 will be publicly announced

Tapley Woods - quota 2 will be publicly announced

Trail of Tears State Forest

Union County Conservation Area-Firing Line Management Unit Only

Weinburg-King State Park

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Witkowski State Wildlife Area - quota 6 will be publicly announced

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-serve sites.

(Source: Amended at 16 Ill. Reg. 11101, effective June 30, 1992)

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NOTICE OF ADOPTED RULES

- 1) HEADING OF THE PART: Urban and Community Forestry Grant Program

- 2) CODE CITATION: 17 Ill. Adm. Code 1538

- 3) SECTION NUMBERS:

1538.5	New Section
1538.10	New Section
1538.20	New Section
1538.30	New Section
1538.40	New Section
1538.50	New Section
1538.60	New Section
1538.70	New Section
1538.80	New Section

- 4) STATUTORY AUTHORITY: Implementing and authorized by the Urban Forestry Assistance Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 9301 et seq.).

- 5) EFFECTIVE DATE OF RULES: June 30, 1992

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE RULES CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 20, 1992, 16 Ill. Reg. 4148

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 1538.30(d), the end of the first sentence was changed to read "... Conservation for two years.

In Section 1538.30(k), the comma following "projects" was replaced with "or".

In Section 1538.40(b), "30 days of its" was changed to read "30 days after its" and at the end of the paragraph, "first serve basis" was changed to read "first-come, first-served basis".

In Section 1538.50(a)(3), the comma following "as" was

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removed.

In Section 1538.60, a comma was added following "to the following".

In Section 1538.60(i), "insect" was changed to "insects".

In Section 1538.60(j)(3), the comma following "Amherst" was removed.

In Section 1538.70(a)(2), "a" was added prior to "comprehensive".

In Section 1538.70(a)(5), "(given past)" was replaced with "upon the receipt of".

In Section 1538.70(b)(1) through (7), the first word of each subsection was removed and the next word capitalized. In addition, the "s" in subsection (2) was removed from "shows" and subsection (7) was changed to read "Establish tree boards for facilitating and improving management of urban and community forest resources."

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE RULES REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF RULES: This administrative rule provides necessary guidelines for the enactment of the Urban Forestry Assistance Act of 1984 using federal funds provided through the urban and community forestry program.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED RULES SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED RULES BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER d: FORESTRY

PART 1538

URBAN AND COMMUNITY FORESTRY GRANT PROGRAM

Section	Purpose
1538.5	Definitions
1538.10	Eligibility
1538.20	General Information
1538.30	General Procedures
1538.40	Urban and Community Forestry Project Approval
1538.50	Eligible Urban and Community Forestry Projects
1538.60	Evaluation Priorities
1538.70	Program Information

AUTHORITY: Implementing and authorized by the Urban Forestry Assistance Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 9301 et seq.).

SOURCE: Adopted at 16 Ill. Reg. 11108, effective June 30, 1992.

Section 1538.5 Purpose

The purpose of the Urban and Community Forestry Grant Program is to provide financial assistance to municipalities for the implementation of Urban Forestry Plans.

Section 1538.10 Definitions

- "Comprehensive Urban Forestry Management Document" means a written comprehensive plan describing how a municipality will protect, enhance, conserve, maintain and expand the urban and community forestry resource. This plan links together all aspects of a municipality's Urban Forestry Projects into a comprehensive document.
- "Equipment" means tangible items of a non-consumable nature exceeding \$100.
- "Urban Forestry Plan", Action Plan or project means a written plan documenting proposed action to be implemented to complete a specific project approved by the Department pursuant to this Act.
- "Budgeted" means the municipality has, through legal means, authorized the expenditure of dollars within the appropriate department for forestry activities described in the Comprehensive Urban Forestry Management Document and more specifically the Urban Forestry Plan.

Section 1538.20 Eligibility

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- a) Participation in the Urban and Community Forestry Grant Program is limited to cities, villages or incorporated towns with more than 275 inhabitants.
- b) A municipality's Urban Forestry Plan must be approved by the Department of Conservation before a grant will be awarded.
- c) Municipalities must have, or during the course of this grant, shall develop and put into effect an urban and community forestry ordinance or resolution addressing their commitment. The purpose of the ordinance is to define the city's responsibility regarding public trees and other vegetation and to provide a legal basis for appropriating funds for urban and community forestry programs.

Section 1538.30 General Information

- a) Grants are awarded for implementing Department approved Urban Forestry Plans. The municipality's application for a grant is evaluated based on the priorities defined in Section 1538.70.
- b) Municipalities may apply jointly for approval of Urban Forestry Plans and grants.
- c) The total number of grants awarded each calendar year is dependent on the size of the grants and the total amount of funds available for the program in the given fiscal year (July 1 - June 30).
- d) Urban Forestry Plans will be considered for funding by the Department of Conservation for two years. After two years, the municipality must reapply for approval.
- e) Grants will not be awarded for the purchasing of equipment.
- f) Grant money is limited to Urban Forestry Plans for which the municipality will provide at least 50% of the cost. The municipality's share of the project cost must be budgeted at the time of application. The municipality's share of the cost may be made by contribution of in-kind service. The municipality should set forth, in the application, in detail how such contribution will be made and document in-kind contribution.
- g) A grant to any one municipality shall not exceed \$10,000 per year. Multi-community grants are encouraged. However, a cap of \$50,000 per multi-community project has been established. NOTE: The \$50,000 local match means a maximum of \$100,000 per project. Regardless of project size, one individual community can receive no more than \$10,000.
- h) The Urban and Community Forestry Grant Program operates on a reimbursement basis only. Reimbursement is provided upon completion of the approved Urban and Community Forestry Project and filing proper expenditure documents on forms provided by the Department.
- i) All project costs incurred before the municipality receives notice that they will receive a grant are not eligible for reimbursement.
- j) Only one application for an Urban and Community Forestry Grant can be submitted from any one municipality per year.
- k) Grants should not be used to substitute for existing urban forestry budgets, but used for new projects or programs.

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- 1) Documentation of expenditures by a municipality shall be subject to audit by the Department.

Section 1538.40 General Procedures

- a) Necessary application forms are available from the Department of Conservation, Division of Forest Resources, 600 North Grand Avenue West, Post Office Box 19225, Springfield, IL 62794-9225. Urban and Community Forestry grant applications shall consist of the following basic requirements:
 - 1) A completed application form with a complete narration of the proposed project.
 - 2) A copy of the municipality's urban and community forestry ordinance.
 - 3) A map of the municipality showing the location of the proposed project.
 - 4) A copy of the municipality's Department or Tree Board approved Urban Forestry Plan.
 - 5) A document showing how the municipality has budgeted for the Urban Forestry Plan.
 - 6) Other supportive documentation.
- b) Applications for grant assistance must be received on or before the date posted by the Department. Municipalities will be notified as to the qualification or non-qualification of their applications within 30 days after its receipt. Municipalities whose applications meet the qualifications specified in the Urban and Community Forestry Assistance Act and this part will be ranked according to the priorities in Section 1538.70. When grant funds are available, funds will be obligated to qualified communities based on their rank. Municipalities may apply for grants within dates as publicly announced for unobligated funds. These applications will be evaluated for qualification in the same way as previous applications. However, the grants will be awarded on a first come, first served basis.
- c) Urban and Community Forestry Projects must be implemented and completed by a date mutually agreed upon by the Department and the municipality.
- d) During the implementation of an Urban and Community Forestry Project, if it is necessary to make changes in scope, plans and/or specifications, the municipality shall obtain the Department's approval prior to any change. Changes shall be made a part of the project file and kept available for audit.
- e) The Department may make on-site inspections, as deemed necessary in relation to the scope of the Urban and Community Forestry Project, to check progress and compliance with all applicable laws and specifications.
- f) It is the responsibility of the municipality to contact the Department to arrange the final on-site inspection prior to distribution of grant funds.
- g) After a completed Urban and Community Forestry project has been

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accepted by the Department and all subcontractors and bills have been paid, the local agency prepares and submits a billing request to the Department for reimbursement of up to 50% of the approved project costs. Approved project costs are those that were budgeted for in the municipality's budget and included in the Department-approved Urban Forestry Plan.

- h) Municipalities that do not meet the objectives or provide adequate documentation will not receive grant funds.

Section 1538.50 Urban and Community Forestry Project Approval

a) A municipality or its representative may develop an Urban Forestry Project and submit it to the Department of Conservation, Division of Forest Resources along with the application for approval. The Urban Forestry Project shall include:

- 1) Information about the community such as its previous urban and community forestry programs and the importance of urban forestry to the community.
- 2) A narrative relating the importance of urban and community forestry in the community to the objectives of the Urban Forestry Project.
- 3) A list of tangible objectives such as number of trees to be planted, number of people to be trained, etc.
- 4) A narrative describing the proposed projects and actions.
- 5) A narrative explaining how the proposed projects and actions will meet the objectives of the community.
- 6) A statement describing how the project will promote a community urban and community forestry program on a long-term basis.
- 7) An itemized budget for the proposed project.

b) Any municipality whose project is not approved may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Urban Conservation Program Manager. The appeal must be made within 30 days from the date that the plan or practice was not approved.

Section 1538.60 Eligible Urban and Community Forestry Projects

Grant Assistance may be obtained for, but not limited to the following, which are not necessarily items listed in priority order:

- a) The hiring of urban forestry personnel, consultants, interns or tree care companies to complete a Department of Conservation-approved Urban Forestry Project.
- b) The development of a comprehensive Urban Forestry Management Document.
- c) The establishment of a tree board and street tree ordinance.
- d) The collection and organization of data, such as site, location and condition of trees along city streets or in parks. (Street Tree Inventory)
- e) The training of municipal employees in tree care practices such as

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pruning, fertilizing, cabling and bracing.
f) Urban and community forestry educational and appreciation programs for the general public.

g) The removal of hazardous, nuisance and dead trees from public property.

h) Tree planting demonstration on public owned or controlled property.

i) The control of tree insects and disease agents.

j) The establishment or development of a tree ordinance.

1) The ordinance must indicate the need for the urban and community forestry program. For instance, the health, safety and welfare of the community's residents and the beauty of the community are two examples indicating need.

2) The ordinance must establish the division, department, board or other authority that will have the legal responsibility of implementing Urban and Community Forestry Plans. The ordinance must specify the duties and responsibilities of the authority. If the authority is a board or commission, the ordinance must specify the number and qualifications of the members and their term of office.

3) The ordinance must state that one of the responsibilities of the authority is to develop written standards for tree planting and maintenance pursuant to the National Arborist Association's Pruning Standards for Shade Trees, available from the National Arborist Association, Post Office Box 1094, Amherst NH 03031-1094.

4) The ordinance must define who has the authority to plant and maintain trees on public property.

5) The ordinance should contain a provision for the removal of hazardous or diseased trees from private property.

Section 1538.70 Evaluation Priorities

a) Awarding of urban and community forestry grants will be determined by a competitive application process. The following criteria will be used to evaluate and select Urban Forestry Projects for grant funding. No special priority is given to any of the following items.

- 1) The need for the development of a comprehensive Urban Forestry Management Document as indicated by documented public support.
- 2) The need for the proposed Urban and Community Forestry Project as documented by a comprehensive Urban Forestry Management Document, a comprehensive plan or other long-range planning document.
- 3) The need for the Urban and Community Forestry Project as indicated by public support. Public support must be documented by evidence of citizen participation in urban forestry programs, especially participation in the project proposed in the Urban Forestry Plan or copies of residents' requests for urban forestry assistance.
- 4) The commitment of individuals, businesses and other local organizations to the Urban Forestry Plan, as demonstrated by

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attendance at local participation meetings, volunteer service, funds raised or other in-kind contributions (based on population).

- 5) The need for assistance based upon the receipt of grant funds from the Department of Conservation for implementing Urban Forestry Plans within the past five fiscal years.

- b) Special consideration will be given to those Urban and Community Forestry Projects that:

- 1) Are joint efforts between two or more municipalities that may have regional implications.
- 2) Effectively show a significant reduction in energy consumption.
- 3) Utilize waste wood materials, i.e., logs, brush, wood chips, etc.
- 4) Increase the opportunities for full or part time jobs in urban and community forestry and related fields.
- 5) Have not been an active part of the municipality's programs within the past five years.
- 6) Contribute to community development, appreciation, and continued awareness of the importance of the urban and community natural resource.
- 7) Establish tree boards for facilitating and improving the management of urban and community forest resources.

Section 1538.80 Program Information

Information regarding the Urban and Community Forestry Grant Program may be obtained by writing to:

Illinois Department of Conservation
Division of Forest Resources
600 North Grand Avenue West, P.O. Box 19225
Springfield, Illinois 62794-9225
PHONE: 217/782-2361

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow

- 2) CODE CITATION: 17 Ill. Adm. Code 670

- 3) SECTION NUMBERS: ADOPTED ACTION:

670.10 Amendments
670.20 Amendments
670.30 Amendments
670.40 Amendments
670.50 Amendments
670.60 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36).

- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5482

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 670.50(a), in the second line of the new text being added, "paragraphs" was changed to "subsections" and in the fifth line of the new text, "or not" was removed.

In Section 670.60(c), the following paragraph was changed to read:

"Chauncey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; permit must be returned by 15 February; no hunting in dedicated Nature Preserve (1))

In Section 670.60(c), "Eldon Hazlet" was put in proper alphabetical order.

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In Section 670.60(c), the following site was added:

"* Lowden-Miller State Forest (hunters must sign in and sign out and report harvest)

In Section 670.60(c), Sandy Ford, "CA" was changed to read "Conservation Area".

In Section 670.60(d), Horseshoe Lake, "CA" was changed to read "Conservation Area" and the closing parenthesis after "1-15" was removed.

In Section 670.60(d), Trail of Tears, "SF" was changed to "State Forest".

In Section 670.60(d), Union County, "CA" was changed to "Conservation Area".

In Section 670.60(e), Pere Marquette, the closing parenthesis following "13" was removed and the semi-colon following "Office" was removed.

In Section 670.60(f), Moraine View, the semi-colon following season was removed.

In Section 670.60(h), the semi-colon following "only" was removed.

In Section 670.60(i), "from 3 days following the close of fishing through statewide closing of archery deer season" was added following "only" in the second line and "during the area legal waterfowl season" was removed.

In Section 670.60(k), Clinton Lake, the numbers in parentheses were moved to the end of the paragraph just inside the closing parenthesis.

A new Section 670.60(m) was added:

Season dates to be announced by public news release; daily quota filled on first-come, first-served basis; only hunters with a filled or unfilled paid archery deer permit are eligible to hunt; hunters are required to take an antlerless deer before being eligible to take an antlered one; antlerless deer may be tagged with site specific antlerless only permit; antlered deer must be tagged with hunter's paid either-sex statewide permit;

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hunters must check in and check out at check station; access to designated hunting areas will be allowed by vehicle by parking in designated areas or by boat; those hunters using boats are required to launch at the ramp access only; pre-hunt scouting will be limited to 10 a.m. to 2 p.m. daily form announced first scouting date until the end of the site season, except that no scouting will be permitted during the firearm seasons.

Newton Lake Fish and Wildlife Area

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part clarify the rejection of applications and revocation of permits, modify site specific regulations and add archery deer hunting to two sites.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

- 670.10 Statewide Open Seasons and Counties
- 670.20 Statewide Deer Permit Requirements
- 670.30 Statewide Legal Bow and Arrow
- 670.40 Statewide Deer Hunting Rules
- 670.50 Rejection of Application/Revocation of Permits
- 670.55 Reporting Harvest
- 670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36).

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired at March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992.

Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in Chapter 61, Section 2.26 of the Wildlife Code apply in this rule.
- b) For Cook, DuPage, Kane and Lake counties - October 1 through December 31.
- c) For all other counties - October 1 through December 31, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Conservation (Department or DOC) owned or managed sites designated below by an asterisk shall be open to archery deer hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

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- d) Hours are one-half hour before sunrise to sunset unless site-specific regulations are more restrictive.

(Source: Amended at 16 Ill. Reg. 11116, effective June 30, 1992.)

Section 670.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Archery Deer Permit" (\$15.00). Those persons who were Illinois residents at the time of application for multiple-year bow and arrow deer permits shall be allowed to utilize such permits regardless of future residency. Deer permit fees for non-resident archery hunters shall be the same fee as an Illinois resident would be charged for a deer hunting permit by the state in which the applicant resides, except in no case shall the fee be less than \$50.00, and if the state in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. For permit applications and other information, write to:
Department of Conservation
Archery Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, Illinois 62794-9227

- b) Applicants must submit an application using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his individual application. Applicants for multiple-year either-sex permits must submit a check for the total number of permits applied for at \$15 per permit, and will receive subsequent-year either-sex permits without needing to re-apply. Such applicants remain subject to all other requirements of this Part.

- c) Dates of acceptance of applications will be announced publicly. No application for a second either-sex archery permit will be accepted after the publicly announced closing date for multiple archery applications. Applicants applying for two either-sex archery permits are ineligible to apply for a firearm or muzzleloading only permit until November 1 August 15.

- d) Two either-sex archery applications received after the closing date for multiple either-sex archery applications or firearm applications received before November August 15 and after submission of two either-sex archery applications will result in rejection of applications and revocation of permits subjects the applicant to the penalties prescribed in Section 670.50.

- e) Landowners including non-resident and out-of-state landowners who own

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40 acres or more of land, or resident tenants residing on renting or leasing 40 acres or more of farm land, and members of their immediate family whose permanent domicile is the same as that of the landowner or tenant, may apply for a free permit for their property only. Landowners or tenants having been issued a free landowner/tenant either-sex archery permit shall be issued an additional antlerless-only free landowner/tenant archery permit. *The deer hunting permit issued without fee shall be valid on all farm lands which the person to whom it is issued owns, leases, or rents.* Ill. Rev. Stat. 1989 1991, ch. 61, par. 2.26).

f) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing with the landowner or tenant, or permanently residing on the same property. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits. Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

g) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Hunting and mineral rights leases are not valid for a tenant permit. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

h) Permits are not transferable. Refunds will not be granted.
i) A three dollar \$3.00 service fee will be charged for replacement permits issued by the Department of Conservation (Department or DOC), except permits lost in the mail, then there will be no charge. Monies from this source will be deposited in the Wildlife and Fish Fund.

j) ~~Applications for the current year Archery Deer Permits are accepted at any time.~~

k) Applicants applying for two either-sex archery permits must submit both applications not later than August 15, of the current year.

l) Applicants submitting applications for a single archery permit after

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September 1 will not be guaranteed a permit by October 1.

m) Out-of-state applicants must contact the Department of Conservation Archery Deer Permit Office, 524 S. Second Street, Room 210, P.O. Box 19227, Springfield, Illinois 62794-9227, for a non-resident application and fee information.

n) Anyone may submit an application for one antlerless-only Archery Deer Permit (\$15.00 fee). The application period for these permits will be announced via a news release. The application for, or receipt of this antlerless-only Archery Deer Permit will not affect a hunter's eligibility to receive any other deer permit(s).

(Source: Amended at 16 Ill. Reg. 11116, effective June 30, 1992)

Section 670.30 Statewide Legal Bow and Arrow

a) The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw; an arrow with a minimum length of 20 inches and with a metal barbless broadhead that cannot pass through a 7/8 inch diameter hole is the only legal arrow. All other bows and arrows, including electronic arrow tracking systems, are illegal.

b) A crossbow device is illegal except as provided by Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 2.26). It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.

c) Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, except as noted in subsection (b) above.

(Source: Amended at 16 Ill. Reg. 11116, effective June 30, 1992)

Section 670.40 Statewide Deer Hunting Rules

a) ~~The bag limit is one deer of either sex or an antlerless deer per single archery permit during the legal archery season. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long during the legal archery deer season or as identified in site specific regulations. Hunters who voluntarily choose two either-sex archery permits will not be allowed to obtain a firearm permit of any type until after October 31. The bag limit is one deer per legally authorized either-sex antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.~~

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- b) ~~Totally white white-tailed deer are protected by Illinois law and are illegal to kill, pursuant to Section 2.24 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 2.24).~~
- c) ~~The Archery Deer Hunting Permit shall be signed and carried with you while hunting.~~
- d) ~~The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler and hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner, or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.~~
- e) ~~Hunters shall not have in their possession while in the field during archery deer season, any deer permit issued to another person. (Permits are non-transferable).~~
- f) ~~Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.~~

(Source: Amended at 16 Ill. Reg. 11116, effective June 30, 1992)

Section 670.50 Rejection of Application/Revocation of Permits

- a) ~~in-the-event--that--an--applicant--is--in--violation--of--one--of--the following--his--or--her--application--will--be--held--in--suspension--and--the application--fees--will--be--deposited--pending--final--disposition--of--the offense--for--which--the--applicant--is--charged. In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.~~

- 1) Using a hunting rights lease, mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain an archery deer permit;
- 2) Submitting more applications in the same name or by the same person for an archery deer permit than allowed for in Section 670.20;

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- 3) Providing false and/or deceptive information on the deer permit application form.
- 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.36).
- 5) Applying for two either-sex archery deer permits if the applicant has already been issued a muzzleloading rifle or firearm deer permit.
- b) Any violations of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, pars 1.1 et seq.) or administrative rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. 11116, effective June 30, 1992)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) The subsections listed below are referred to by number in subsections 670.60(c) through (1). Some of the sites listed in subsections 670.60(c) through (1) have numbers in parenthesis which explain the definitions in this Section which apply to that site.

- 1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in Section 510.10(c)(3) and must be portable.
 - 2) Only one tree stand is allowed per hunter.
 - 3) Tree stands may be left unattended overnight only during the period from two weeks before through two weeks after the close of archery deer season.
 - 4) Tree stands may be left unattended overnight only during the archery deer season.
 - 5) Tree stands may be left unattended overnight only during the archery deer season. They may not be left overnight for more than four consecutive nights.
 - 6) Tree stands may be left unattended overnight only on Saturday nights during archery deer season.
- c) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:

AMAX leased lands
 Cache River State Natural Area ((1) (2) (4))
 Campbell Pond Wildlife Management Area
 Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle Lake Wildlife Management Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season).

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Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; permit must be returned by February 15; no hunting in dedicated Nature Preserve) ((1))
 Dog Island Wildlife Management Area ((1)) (2) (4))
 Eldon Hazlet State Park (North of Allen's Branch and West of Peppenhurst Branch only) ((1)) (2) (5))
 Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area, a part of this site, closed to hunting three days prior to the regular duck season).
 Horsehoe--Lake--Conservation--Area--Alexander--County--North-of Route-3-only
 Kidd Lake State Natural Area ((1)) (2) (5))
 Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas
 Lake Kinkaid Fish & Wildlife Area

* Lowden-Miller State Forest (hunters must sign in and sign out and report harvest)
 Mississippi River Pools 16, 17, 18, 21, 22, 24
 Mississippi River Pools 25 and 26 ((1)) (3))
 Panther Creek Conservation Area ((1)) (4))
 Pike County Conservation Area (No hunting after November 30 in Area A; no hunting after December 15 in Area C)
 Rend Lake Project Lands and Waters
 Rockhouse Creek (Monroe County) ((1)) (3))
 Sandy Ford Conservation Area (LaSalle County)
 Sangamon County Conservation Area
 Sangamon Conservation Area ((1)) (4))
 Shawnee National Forest--Lake--Scatters
 Shawnee National Forest--Oakwood--Bottoms
 Ten Mile Creek Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15; ((1)) (3))
 Union-County-Conservation-Area--Firing-Line-Management-Unit
 Wildcat Hollow State Forest
 Witkowsky State Wildlife Area

d) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following sites:

* Argyle Lake State Park (season--October-15--December-31)
 * Banner Marsh Fish and Wildlife Area (season--opens--day--after--close--of--waterfowl--season--December-31)
 * Big Bend Conservation Area
 Big River State Forest
 Castle Rock State Park (season - November 1 - December 31)
 Clinton Lake (Inner Peninsula and Mascoutin Areas Only) (Hunters will apply to site for permit to hunt specific time period within statewide season; permits shall be allocated by drawing held at

site; procedures for application and drawing shall be announced by news release; hunters must fill one site specific antlerless permit before being allowed to take an antlered deer)
 Crawford County Conservation Area ((1)) (3))
 Ferne Clyffe State Park ((1)) (2) (4))
 Fort de Chartres Historic Site ((1)) (2) (5))
 Fort Massac State Park ((1)) (2) (4))
 Franklin Creek State Park
 Giant City State Park

Green River State Wildlife Area (Lee County Conservation Area) (closed during permit pheasant season)
 Hamilton-County-Conservation-Area--((1))--((3))
 Horsehoe Lake Conservation Area - Alexander County - Public Goose Hunting Area (October 1-15; reopens with the close of the quota zone goose season through December 31); other portions of the Public Hunting Area (open during statewide season) ((1)) (2) (4))
 I-24 Wildlife Management Area ((1)) (2) (4))
 Johnson Sauk Trail State Park (October 1 - the day before the upland game season and on Mondays and Tuesdays during the upland game season)
 Jubilee College State Park (closed the 1st weekend - Saturday and Sunday - of October)

Mackinaw River State Fish and Wildlife Area
 Marseilles Fish and Wildlife Area (no hunting on Friday, Saturday, or Sunday in October; ((1)) (3))
 Marshall State Fish and Wildlife Area
 Mt. Vernon Propagation Center; only antlerless deer may be taken ((1)) (3))

* Randolph County Conservation Area ((1)) (2) (5))
 * Red Hills State Park ((1)) (3))
 * Rice Lake (season - the day after the close of the duck season - December 31)
 * Saline County Conservation Area ((1)) (3))

Sam Parr Fish and Wildlife Area ((1)) (3))
 Shabbona Lake State Park (Indian Road Wildlife Management Area)
 Silver Springs State Park (daily quota posted at site; quota filled on first-come, first-serve basis)
 Tapley Woods State Natural Area
 Trail of Tears State Forest ((1)) (2) (4))

Turkey Bluffs Fish and Wildlife Area ((1)) (2) (5))
 Union County Conservation Area - Public Goose Hunting Area (October 1 - 15; reopens with close of quota zone goose season through December 31); Firing Line Management Unit (open during statewide season) ((1)) (2) (4))

* Washington County Conservation Area (closed until 3 p.m. Wednesday - Sunday during pheasant, quail and rabbit season; except during firearm deer season as set out in 17 Ill. Adm. Code 650.10 statewide hours shall apply ((1)) (2) (5))
 Wayne Fitzgerald State Recreation Area except closed Wednesday

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through Sunday during Controlled Pheasant hunting season, see 17 Ill. Adm. Code 530 (1) (2) (4))
 Woodford County Conservation Area

e) Statewide regulations as provided for in this Part shall apply for deer bow hunting except that hunters must check out and report their harvest; any reduced hunting season and/or daily hunting hours if required are given in parentheses for the following sites:

* Anderson Lake Conservation Area
 Beaver Dam State Park (hunting in designated area; hunting dates October 29 26 through October 30 - November 2 and through November 5 - and November 9 through November 13; number of hunters limited to two during each 5-day period; public drawing held at site office)

Perne-Clyffe-State-Park
 Pt--Massac--State-Park
 Giant-City-State-Park

Horseshoe-Lake-Public-Hunting-Area--opens-with-the-close--of--the quota-zone--goose-season-through-December-31)

i-24-Wildlife-Management-Area

Iroquois County Conservation Area (closed Wednesday through Sunday of the permit pheasant season and during the non-permit pheasant season, except that hunting is permitted according to statewide regulations in the 80 acres north and east of Hooper Branch Nature Preserve; (1) (2) (4))

* Mermet-Conservation-Area
 Mt--Vernon--Game-Farm--(November-1---December-31;--only--antlerless deer--may--be--taken--hunters--must--sign--in--before--hunting--and--sign out--before--leaving--the--site--(1)-(3))

Pere Marquette State Park (except in designated areas where hunting dates are from October 30 26 through October 30, November 9 2 and from through November 6 and November 9 through November 10 13); number of hunters limited to 15 during each 5 day period; public drawing held at Region-IV Site Office; (1) (3))

Pyramid State Park

Siloam Springs State Park

Trail-of-ears--State-Forest

Union-County-Conservation-Area--Public-Hunting-Area--(October-1-15) Weinberg-King State Park

f) Statewide regulations as provided for in this Part shall apply and in addition hunters must obtain site permits at the site office or through the mail prior to hunting and must report success immediately after taking deer with additional requirements given in parentheses at the following sites:

Des Plaines Conservation Area (closed during the site's pheasant hunting season, except open on Mondays and Tuesdays only)
 Kankakee River State Park (Bow deer hunters hunting south of the Kankakee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when

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pheasant, quail and rabbit hunting is allowed; the area north of the Kankakee River is closed to all hunting after November 30)
 Mississippi Palisades State Park (season November 1 - December 31)
 Moraine View State Park (closed Wednesday through Sunday during permit pheasant season; (1) (2) (4))
 Pekin Lake State Fish and Wildlife Area (no hunting south of Big Lick Creek; one deer per hunter per year)
 Rock Cut State Park (1st Monday in November - 2nd Friday in December, closed Thanksgiving Day; hours 1/2 hour before sunrise to 10:00 a.m.)
 Sand Ridge State Forest (1) (4))

Spring Lake Conservation Area

g) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following sites: Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas.

Sangchris Lake Fish and Wildlife Area (hunting is prohibited within 200 yards of developed areas such as picnic and camping areas;--The-Penisula-and-West-Shoreline-Areas-will-be-open-for hunting--from--October-1-until-the-opening-day-of-duck-season-and from-the-close-of-duck-season-through-December-31;--closed--also during-the-Youth-Hunt---The-North-Mainland-and-East-Mainland Areas-will-be-open-from-October-1-through-December-31;--closed during---the---Youth---Hunt---Areas--open--for--hunting--will include--Peninsula-Area--(BOG--and--Commonwealth---Edison-owned portions--of-the-middle-and-east-peninsulas;--West-Shoreline-Area; North-Mainland-Area-and-East-Mainland-Area)

h) Statewide regulations as provided for in this Part shall apply except that hunting will be permitted on Saturdays and Sundays only as announced by the Department of Conservation at the following site. Hunter quotas shall be announced by public news release. The check station will open at 5:00 a.m. and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out immediately after hunting. Parking is permitted at designated parking areas only; ((1) (6)).

Site "M" Cass County

i) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only from 3 days following the close of fishing through statewide closing of archery deer season. During-the-area--legal--waterfowl--season: Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing shall be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear DOC issued back patch while hunting. Individuals who have purchased a statewide archery permit are eligible to receive a daily site antlerless only permit, subject to

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drawing procedures. Hunting is closed on Mondays and Tuesdays.

Heidecke State Fish and Wildlife Area

- j) Statewide regulations as provided for in this Part shall apply, except bow hunting shall be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant hunting season in designated areas only. Daily quota filled on first-come, first-serve basis. Hunting hours are from one-half hour before sunrise to 2:00 p.m. except on Christmas day when the area is closed to hunting. Hunters must check out by 3:00 p.m. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse.

Chain O'Lakes State Park

- k) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 shall result in loss of hunting privileges at the site for the following year.

Clinton Lake State Recreation Area (except Mascoutin Area and Inner Peninsula (Tree stands must be marked with site hunting permit number visible from ground level)) ((1) (2) (4))

Eagle Creek State Park

Fox Ridge State Park ((1) (2) (4))

Hamilton County Conservation Area ((1) (3))

Hidden Springs State Forest ((1) (2) (4))

Lake Shelbyville Eagle Creek Wildlife Management Area

Mermet Conservation Area ((1) (2) (4))

* Ramsey Lake State Park ((1) (3))

* Sam Dale Lake Conservation Area

* Stephen A. Forbes State Park

- l) Hunters must obtain free permit from site office; permit must be returned and harvest reported by February 15; failure to return permit shall result in loss of hunting privileges the next season.

Kickapoo State Park ((1) (2) (4))

Middlefork Fish and Wildlife Area ((1) (2) (4))

- m) Season dates to be announced by public news release; daily quota filled on first-come, first-served basis; only hunters with a filed or unfilled paid archery deer permit are eligible to hunt; hunters are required to take an antlerless deer before being eligible to take an antlered one; antlerless deer may be tagged with site specific antlerless only permit; antlered deer must be tagged with hunter's paid either-sex statewide permit; hunters must check in and check out at check station; access to designated hunting areas will be allowed by vehicle by parking in designated areas or by boat; those hunters using boats are required to launch at the ramp access only; pre-hunt scouting will be limited to 10 a.m. to 2 p.m. daily from announced first scouting date until the end of the site season, except that no scouting will be permitted during the firearm seasons.

Newton Lake Fish and Wildlife Area

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(Source: Amended at 16 Ill. Reg. 11116, effective June 30, 1992)

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1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Firearms

2) CODE CITATION: 17 Ill. Adm. Code 650

3) SECTION NUMBERS: ADOPTED ACTION:

Amendments
650.10
650.20
Amendments
650.21
Amendments
650.22
Amendments
650.23
Amendments
650.40
Amendments
650.50
Amendments
650.60

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5501

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Main Source Note, the last emergency citation was changed to read: emergency amendments at 15 Ill. Reg. 15790, effective October 22, 1991 for a maximum of 150 days; emergency expired March 21, 1992. . . ."

In Section 650.10, the following language was added prior to the last sentence: "Full season permits shall be for all days. Second season permits shall be for the December dates only."

In Section 650.20(j)(1) and (2), hyphens were placed between "second" and "season" and between "full" and "season".

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In Section 650.20(1)(3), "or special hunt area" was added following "county" in the first line.

In Section 650.20(1)(4), "or special hunt area" was added following "county" in the third line.

In Section 650.22(a), the period was moved outside the closing parenthesis.

In Section 650.23(d), "or special hunt area" was added following "county" in the second and fourth lines.

In Section 650.23(e), "or special hunt area" was added following "county" in the second line.

In Section 650.23(e), a hyphen was added between "second" and "season".

In Section 650.60(d), a closing parenthesis was added after "firearms only".

In Section 650.60(1), "November deer season," was replaced with "first season" and "December deer season" was replaced with "second season".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to change the 1992 season dates, describe the second season permit and antlerless-only boxes, change application periods for permits, allow hunters to obtain multiple full-season permits, add special hunt areas and subtract others and to modify site specific regulations.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

PART 650

Section

650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free
650.22 Deer Permit Requirements - Special Hunts
650.23 Deer Permit Requirements - Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendments at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992.

Section 650.10 Statewide Season and Permit Quotas

a) Season: 12:01 a.m. on Friday of the third 3-day (Friday, Saturday and Sunday) weekend in--November immediately before Thanksgiving to 6:00 p.m. on Sunday of the third 3-day weekend in--November before Thanksgiving, and 12:01 a.m. on Thursday of the second first 4-day (Thursday, Friday, Saturday and Sunday) weekend in--December following Thanksgiving to 6:00 p.m. on Sunday of the second first 4-day weekend in--December following Thanksgiving. Full season permits shall be for

Section 650.10 Statewide Season and Permit Quotas

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all days. Second season permits shall be for the December dates only. Shooting Hunting hours are one-half hour before sunrise to sunset. Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane Counties are closed to firearm deer hunting.

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

Section 650.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). A "Non-Resident Firearm Deer Permit" may be obtained by non-residents of Illinois provided that they shall be charged the same fee as an Illinois resident would be charged for a deer hunting permit by the State in which the applicant resides, except in no case shall the fee be less than \$50.00, and if the State in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. For permit applications and other information write to:

Department of Conservation
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, Illinois 62794-9227

b) Applications from residents will be accepted through April 30, of the current year. Applications received after April 30 will not be included in the lottery. Permits will be allocated in a computerized random drawing in which the first only one choice of hunt areas or counties county will be allocated before the second-choice areas are considered. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

c) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit. If the applicant checks the second-season box and is rejected in the lottery the applicant will receive preference in next year's lottery. Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

d) Counties Permits for counties and special hunt areas with unfilled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning the first-Monday of August 1 and ending August 14 of the

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current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received after October 31 will be processed for a permit for the second-hunting season. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

f) Those applicants who have already received a firearm permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county and season specified on their either-sex permit beginning August 15. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00.

g) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed proportionately and over the counter receipt. All applications received on a specific day will be processed before processing applications received for a subsequent day.

h) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Pope County shall be divided into Northern Pope and Southern Pope by Route 146, beginning at Golconda and extending westward to the Johnson-Pope county lines. Separate permits will be issued for each of these areas. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.

i) Applications for non-resident firearm permits will be accepted beginning October 15, these applications will not be processed until October 31. August 1 and will be included with the residents in the Random Daily Drawing. Applications received prior to August 1 will be processed in the August 1 daily drawing.

j) There will be two application periods during which anyone (including landowner/tenant) regardless of any other permit they may have) can apply for firearm deer permits (\$15.00 fee) left over from the county and special hunt area quotas to hunt the second-firearm season. During both application periods, the permits shall be issued in a Random daily drawing and only one permit shall be issued per applicant during each application period. Landowners or tenants having been

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issued - a free landowner/tenant - firearm - permit - shall be issued an additional free - permits only - landowner/tenant - firearm - permit - - - - - additional permit does - not affect a landowner or tenant's - eligibility to apply for additional permits - as delineated in this Section.

- 11) The first application period starts November-1 August 15 and ends November-31 August 31. Only one additional either-sex permit shall be issued per successful applicant during the application period. Applicants who have not previously been issued an either-sex permit may apply for and receive a maximum of two either-sex permits during this application period. A maximum of one bonus antlerless-only permit may be issued per either-sex permit issued. One full-season antlerless-only permit can be issued to each applicant that has already received a full-season either-sex permit. Second-season antlerless-only permits shall only be issued to successful applicants that have second-season either-sex permits. Applicants must print "August 15-Second Permit" on the outside of the envelope and mark the "August 15-Second Permit" box on the firearm deer permit application when applying for this permit.

- 2) The second application period starts **November-12** September 1 and ends October 26. Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits. Second- season antlerless-only permits shall only be issued to successful applicants that have second-season either-sex permits. Applicants submitting applications after October 26 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September 1-Multiple Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the firearm deer permit application.

- k) Landowners or tenants having been issued a free landowner/tenant firearm permit shall be issued an additional free antlerless-only firearm permit. This additional permit does not affect a landowner or tenant's eligibility to apply for additional permits as delineated in this Section.

- 1) Hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from the previous-year 1991 who were unsuccessful due to the counties of their choice being full. The following criteria must be met to obtain a preference in the 1992 permit lottery:

- 1) The applicant must apply using the official agency preprinted Data-Mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.
- 3) The applicant must apply for the same first county or special hunt area choice which he/she listed on the previous year's application. Preference for a permit-is-valid-only-for-the-first application.

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county-choice:-

- 4) Where applicants apply as a group, preference for the entire group will apply as it does above for the individual. All first county or special hunt area choices for the group must be identical.

- 1) Applicants must check the option box if they agree to accept a permit or season other than full season either sex.
 If The sequence of allocating permits to those applicants willing to accept limited permits is Pull Season First County Choice (Bither Sex) then Antierless Only and then Antierd Only then Second Season Only First County Choice (Bither Sex) then Antierless Only and then Antierd Only Pull Season Second County Choice (Bither Sex) then Antierless Only and then Antierd Only then Second Season Only Second County Choice (Bither Sex) then Antierless Only and then Antierd Only.
 2) The sequence of allocating permits to those applicants not willing to accept a limited permit is Pull Season First County Choice (Bither Sex) and then Pull Season Second County Choice (Bither Sex).

- may p) Persons with lottery preference (i.e., who did not receive a firearm Deer Permit during the previous year's lottery) will have first chance at receiving available Either-Sex permits.

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

Section 650.21 Deer Permit Requirements - Landowner/Tenant Permits - Paid and Free

- a) Landowners, including out-of-state Illinois landowners, and tenants, but not out-of-state tenants, owning or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid Firearm Deer permit providing they reside on the same property as the landowner or tenant. Incomplete applications will be returned. Out-of-state landowners must obtain a non-resident hunting license, in addition to the deer permit. The fee for an out-of-state landowner deer permit is the same as an Illinois resident

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would be charged for an out-of-state landowner deer permit by the State in which the applicant resides, and if the State in which the applicant resides does not provide for deer hunting by Illinois out-of-state landowners, then the fee shall be \$100.00. These applications will not be subject to the public drawing or the Random Daily Drawing.

- b) Landowners, including out-of-state Illinois landowners, who own 40 acres or more of land or resident tenants renting or leasing residing on 40 acres or more of farm land, and members of their immediate family whose domicile is on the same land as the landowner or tenant, may apply for a free permit for their property only in counties open for firearm deer hunting. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. The deer hunting permit issued without fee shall be valid on all farmlands which the person to whom it is issued owns, leases or rents in counties open for firearm deer hunting. (Section 2.26 of the Wildlife Code, Ill. Rev. Stat. 1999 1991, ch. 61, par. 2.26)

- c) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.

- d) A tenant for the purpose of Part 650 is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

- e) Date of acceptance of landowner/tenant free permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by February 28.

- f) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);

- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or

- 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:

- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) A copy of either an Agricultural Stabilization and Conservation

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- i) Services 476 Form or Commodity Credit Corporation 477 Form. A hunting rights lease, or other non-agricultural lease, is not valid for as a basis for obtaining a landowner or tenant permit.

- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.

- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.

- l) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

- m) Landowners or tenants may apply as of August 15 for a bonus antlerless-only permit (\$15.00 fee) and/or a second permit (\$15.00 fee) from any permits not issued as of November 1 August 15 in the random daily drawing.

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

Section 650.22 Deer Permit Requirements - Special Hunts

- a) Special hunts are regulated by the agency which manages the property. The Permit Office only issues deer hunting permits for Crab Orchard, Lake Shelbyville Project Lands - (Moultrie County), Lake Shelbyville Project Lands - (Shelby County), Fox Ridge State Park - (Coles County), Hidden Springs State Forest - (Shelby County), Sand Ridge State Forest - (Mason County), Des Plaines Conservation Area - (Will County January 10-11 and 12 8, 9, and 10, 1992 1993 only), Cilco Duck Creek Handicapped - (Fulton County, first season only), Cilco Duck Creek - (Fulton County first season only), Joliet Army Ammunition Plant (Will County) and Joliet Army Training Area (Will County), Savannah Army Depot (Jo Daviess County) and Site M (Cass County). The

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Department of Conservation allocates Firearm permits for the areas listed below through a computerized drawing. Hunters wishing to hunt special conservation areas other than those listed in this subsection must first acquire a deer permit for the county in which the conservation area is located and then apply for the specific site drawing. (See Section 650.60 for a list of Conservation areas and permit and specific site application procedures.)

- 1) Crab Orchard - Permits for Crab Orchard are allocated separately for each of the first and second seasons. Each season will be considered as a choice. Applicant must indicate in the first Choice County Choice or Hunt Area field if they are applying for the first or second season on Crab Orchard (for example: Applicants should show "Crab Orchard 1st Season" or "Crab Orchard 2nd Season") or the application will be returned.
- 2) The preference system does not apply to special hunt areas.
- 3) Each applicant must enclose a separate \$15.00 fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

Section 650.23 Deer Permit Requirements - Group Hunt

- a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group will be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope will be processed separately.
- b) Each individual must sign his or her own application.
- c) Applicant must enclose a separate \$15.00 check or money order for each application or the applications will be returned.
- d) In order to receive preference for the group, all members must have preference for the same county or special hunt area choice. If any member does not have preference for the group's first county or special hunt area choice, the entire group will not receive preference. The group leader's hunter number is the number identified in the hunter number field on the group leader's application mailer. If the application mailer is lost, the applicant should contact the Permit Office for the leader number.
- e) Applicants applying as a group will be rejected if they do not list the same first-and-second county or special hunt area choice, complete the group leader information listing the identical group leader, and complete the permit second-season option box identically.

(Source: Amended at 16 Ill. Reg. 11131, effective

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Section 650.40 Statewide Deer Hunting Rules

- a) Bag limits (per legally authorized permit):--an either-sex--firearm permit--holder, including a bandowner/tenant--firearm--permit--holder, is allowed one deer of either sex during the legal--firearm--season:--An Antlered-Only--firearm--permit holder is allowed to take a deer having at least one antler of a length of 3 inches or more during the legal--firearm--season:--An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches--long--during the legal--firearm--season or as identified in site specific regulations. The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Totally white white-tailed deer are protected by Illinois Law and are illegal to kill. (Section 2.26 of the Wildlife Code, Ill. Rev. Stat. 1999 1991, ch. 61, par. 2.24)
- c) The Firearm Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owners Identification number, hunting license number and physical description recorded on the permit and carried on the person while hunting.
- d) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Deer shall be checked in by the hunter in person by 8:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site.
- e) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).
- f) An Antlered-Only-Deer permit authorizes the holder to take only a deer with at least one antler of a length of 3 inches or more:--An antlerless-only permit authorizes the holder to take only a deer without antlers or a deer having antlers less than 3 inches--long. These permits will be issued only in selected counties having large deer herds and related crop damage and will provide additional hunters

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the opportunity to hunt in these counties:

- g) f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

Section 650.50 Rejection of Application/Revocation of Permits

- a) Any--of--the--following--shall--result--in--rejection--of--an--application: In the event that an applicant is in violation of one of the following paragraphs, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.

- 1) Using hunting rights lease or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit;
 - 2) Submitting more than one application applications in the same name or by the same person for a Firearm Deer Permit Permits than the number of legally authorized permits. ~~this will also result in the forfeiture of application fees submitted~~;
 - 3) Providing false and/or deceptive information on the deer permit application form.
 - 4) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (Ill. Rev. Stat. 1987 1991, ch. 61, par. 3.36).
 - 5) Applying for two either-sex archery deer permits if the applicant has already been issued a muzzleloading rifle or firearm deer permit.
- b) Any violation of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, pars. 1.1 et seq.) or administrative rules of the Department (17 Ill. Adm. Code, Chapter 1), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more

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restrictive.

- b) The subsections listed below are referred to by number in subsections 650.60(c) through (p). Some of the sites listed in subsections 650.60(c) through (p) have numbers in parenthesis which explain the definitions in this Section which apply to that site.

- 1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be left unattended only during the firearm deer season or as specified in 17 Ill. Adm. Code 670.60.
- 2) Only one tree stand is allowed per hunter.

- c) Statewide regulations shall apply at the following sites:

AMAX Leased Lands

Campbell Pond Wildlife Management Area
 Carlyle Lake Wildlife Management Area except Subimpoundment Area
 Cache River State Natural Area ((1) (2))
 Chauncey Marsh - (Permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by February 15 ((1))
 Crawford County Conservation Area ((1))
 Dog Island Wildlife Management Area ((1) (2))
 Hamilton County Conservation Area ((1))
 Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except for the Public Goose Hunting Area ((1) (2)) north-of-Route-3-only
 Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season
 Kidd Lake State Natural Area ((1) (2))
 Lake Kinkaid Fish and Wildlife Area
 Mississippi River Pools 16, 17, 18, 21, 22, 24
 Mississippi River Pools 25, 26 ((1) (2))
 Newton Lake State Fish and Wildlife Area (Sex-specific site permits allocated by on-site drawing; procedures and dates to be announced by news release. Permits to be carried at all times by successful applicants while in field for scouting and/or hunting; scouting/hunting only in assigned management unit. The site will be closed to all access, except firearm deer hunters, during the firearm deer season). (permit-required)
 Panther Creek Conservation Area ((1))
 Rend Lake Project Lands and Waters
 Rockhouse Creek (Monroe County) ((1) (2))
 Saline County Conservation Area ((1))
 Sangamon County Conservation Area
 Sangamois Conservation Area ((1))
 Shawnee National Forest, LaRue Scatters (closed at noon)
 Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, West of the Big Muddy Levee, closed at noon)

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Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15 (1))

Union County Conservation Area - firing line management unit (1) (2))

Wildcat Hollow State Park

d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres State Park (hunting in designated areas only; muzzle-loading firearms only) (1) (2))

Giant City State Park

I-24 Wildlife Management Area

Marmet Conservation Area (no hunting in the waterfowl area) (1) (2))

Pere Marquette State Park (1))

Pyramid State Park

Trail of Tears State Forest (1) (2))

Turkey Bluffs Fish and Wildlife Area (1) (2))

Weinberg-King State Park

e) Statewide regulations shall apply and in addition all hunters must have a free permit allocated by mail-in drawing held at Regional Office on October 19. Only one permit per person will be issued. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Any duplicate applications will be denied and the hunter will forfeit his rights to a site permit. Permit holders must check in at the site check station by 5:30 a.m. Permits are void for that day after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. Each permit will be valid for only one of the two firearm deer seasons. The following regulations apply at Heidecke State Fish and Wildlife Area, At-Heidecke-State-Fish--and--Wildlife--Area: vacancies created by hunters checking out may be filled from a standby list. No more than two (2) applications may be submitted as a group for the October 19 drawing; and hunters under 16 years of age must hunt with an adult who is eligible to hunt at Heidecke State Fish and Wildlife Area. Hunters will be issued a site specific, season specific, antlerless-only permit which must be used prior to taking a deer with their county-wide permit.

Heidecke State Fish and Wildlife Area

Tapley Woods

Witkowsky State Wildlife Area

f) Statewide regulations shall apply except hunting allowed by permit only during the first 3-day portion of the firearm deer season. Hunter permits are allocated by a mail-in drawing held at the Regional Office or site office on October 19. Applications will be accepted only from persons who already have a firearm deer permit for the county in which the site is located. Only one permit per person will

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be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site check station by 5:30 a.m. each day. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing held at 5:30 a.m. at the sites. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Castle Rock State Park

Green River (Lee County Conservation Area)

Iroquois County Conservation Area

Mississippi Palisades State Park

Morrison Rockwood State Park

g) Statewide regulations shall apply except hunting allowed by permit only. Each permit will be valid for both of the firearm deer seasons and permits will be allocated by a mail-in drawing to be held at the Regional Office on October 19. Only one permit per person will be issued. Any duplicate applications will be denied and the hunter will forfeit his rights to a permit. Permit holders must check in at the site by 5:30 a.m. Permits are void after 5:30 a.m. Vacancies each day will be filled by a drawing until 1:00 p.m. Further check-in and check-out and reporting of deer harvested is required of all hunters.

Big River State Forest

Mackinaw River State Fish and Wildlife Area (one deer only per hunter per year)

Marseilles Conservation Area

Marshall State Fish and Wildlife Area

Woodford-County-Conservation-Area

h) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every night for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Kickapoo State Park (1) (2))

Middle Fork Fish and Wildlife Area (1) (2))

i) Statewide regulations will apply, except hunting is allowed by permit only allocated via statewide lottery process. Permits will be allocated by a mail-in drawing at the District office. The registration procedure, hunter quota, and date for the drawing will be announced by public news release. Holders of current Cass County Firearm-Deer-Permits will be eligible for the drawing. Permits available after the drawing will be allocated on a first-come-first-served basis from the District office. All permit holders must sign in at the site check station between 4:30 a.m. and 6:00 a.m. and exchange their hunting license for a back patch which must be worn at all times. Daily vacancies will be filled on a first-come basis at the site office beginning at 6:00 a.m. Hunters will be assigned an area from which to begin their hunt. After one hour has elapsed, hunters may move to any portion of the area open to hunting. It is

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unlawful to park anywhere on the site except at designated parking areas. Hunters must check out and report their harvest immediately after hunting. (11)

Site "W" - Land leased from Commonwealth Edison, Cass County

j) Statewide regulations shall apply. Hunters must check in at the site check station beginning at 4:30 a.m. and obtain a back patch before hunting. All hunters must check out immediately after hunting (11):

Sand Ridge State Forest (All hunters must have a current Sand Ridge State Forest Firearm Deer Permit, obtainable via the lottery process through the Deer Permit Office)

k) Statewide regulations shall apply. A maximum of 20 hunters will be allowed on the site each day. Hunter registration begins at the check station at 4:00 a.m. each day of the season. If more than 20 hunters register by 4:30 a.m. a public drawing will be conducted. Hunters must check out and report their harvest immediately after the day's hunt.

Ferne Clyffe State Park

l) Statewide regulations will apply, except as noted. Hunting is allowed by permit only. First and second season permits will be allocated by mail-in drawings at the site office. The registration procedures, hunter quota and dates for these drawings will be announced by public news release. ~~to-be-eligible-for-the-drawing-an-individual-under-the-age-of-16-must-register-with-and-hunt-with-an-adult-at-least-18-years~~

~~of-age-~~ All individuals must possess a current Christian County or Sangamon County Firearm Deer Permit. Permits available after the drawings will be allocated on a first-come basis from the site office. All permit holders must sign in by 8:00 6:30 a.m. at the site office for the North and East Mainland Area, by 6:30 a.m. for the Peninsula on the Friday of the first season and the Thursday of the second season and by 9:30 a.m. all other days. Daily vacancies will be filled on a first-come basis at the site office beginning at 8:00-a.m. immediately after the sign-in deadline. Check-in and check-out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl, on-the-Saturday-and-Sunday-of-the-November-deer-season, the-western-shoreline-of-the-west-arm-of-the-lake-and-the-western-half-of-the-Bog-owned-middle-peninsula, the Peninsula will be closed to deer hunting until 1:00 p.m. 11:00 a.m. on the Saturday and Sunday of the November-deer-season first season and the Friday, Saturday and Sunday of the second season. Firearm deer hunters on the North and East Mainland Areas may hunt during statewide hours during the entire firearm deer season.

Sangchris Lake Fish and Wildlife Area

m) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the Regional District Office. Permits will be for Area A or Area B/C. Permits for Area A will be valid for the first 3-day deer season only; Area B/C permits will be valid for both seasons. Only one permit per person will be issued. Any duplicate applications will be denied and the

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hunter will forfeit his rights to a permit.

Pike County Conservation Area

n) Statewide regulations shall apply; the hunting date is the last Saturday-in-January November 1, 1992. Hunters must have a special permit allocated by a mail-in drawing. Only paid firearm deer permit holders who were-unsuccessful-during-the-previous-year's-shotgun season possess a valid Union County firearm deer permit are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1991 1992 Deer Firearm permits for Union and-Alexander-counties County.

Horseshoe-lake-Conservation-Area-(Alexander-County-permit-holders only)

o) Statewide regulations shall apply; the hunting date is the last Saturday in January 1993. Hunters must have a special permit allocated by a mail-in drawing. Only paid permit holders who were unsuccessful during the previous year's shotgun season are eligible. Permits are valid for one day only. Any duplicate applications will be denied and that person shall forfeit his or her right to a permit. Specific information regarding application requirements and drawing dates will be included with the 1992 Deer Firearm permits for Knox County.

Snake Den Hollow (Knox County permit holders only)

p) Statewide regulations shall apply except hunting is by special permit only obtained through statewide lottery for the Des Plaines Conservation Area; hunting dates are January 8, 9, and 10, 1992-1993 only; the area is closed to firearm deer hunting during the regular statewide seasons; hunters are required to hunt in assigned, designated areas only; areas will be assigned by drawing at mandatory pre-hunt meeting each morning from 4:30 a.m. to 5:00 a.m.; no standby hunters permitted; hunters must obtain vehicle permit from site office before hunting and display the permit in the windshield of their vehicle while hunting; the site office is the only check station for this hunt; all deer taken must be taken to the check station as per regular firearm deer hunting regulations; hunters under 16 years of age must be accompanied by an adult while hunting, the accompanying adult is exempt from provisions of 17 Ill. Adm. Code 510.10(c)(5).

Des Plaines Conservation Area

q) Statewide regulations shall apply. Hunting is open for the second firearm deer season only. Hunters must possess a valid permit for either Adams or Brown county. Hunters will be selected by a mail-in drawing held at the park office. All hunters are required to sign in and sign out at the office before and after the day's hunt. Hunting will be allowed in designated areas only.

Siloam Springs State Park

r) Statewide regulations shall apply except that hunting is allowed by daily site permits only. Daily permits will be allocated by a mail-in

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drawing held at the Regional office on October 19. Only persons who hold a valid Lake Shelbyville Project Lands-Shelby County Permit are eligible to apply. Only one permit per person shall be allocated. Duplicate applications will be denied and the hunter will forfeit rights to obtain a site permit. Hunters must wear a site-specific back patch while hunting and deposit the back patch and harvest report at the site office at the end of the daily hunt.

Wolf Creek State Park

s) Statewide regulations shall apply. Hunters must have a special site-specific permit. The specific hunter qualifications, season dates and restrictions and allocation procedures for the special site specific permits will be publicly announced.

Rock Cut State Park

t) Daily sex-specific site permits allocated by drawing: procedures and dates to be announced by news release; permits to be carried at all times by successful applicants while in field for hunting; hunters are required to take antlerless deer before being eligible to take an antlered one; antlerless deer may be tagged with site specific antlerless only permit; antlered deer must be tagged with hunter's paid either-sex statewide permit; hunters must check in and check out at check station; access to designated hunting areas will be allowed by vehicle by parking in designated areas or by boat; hunters using boats are required to launch at the ramp access only; the site will be closed to all access, except firearm deer hunters, during the firearm deer season.

Newton Lake Fish and Wildlife Area

(Source: Amended at 16 Ill. Reg. 11131, effective June 30, 1992)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles

2) CODE CITATION: 17 Ill. Adm. Code 660

3) SECTION NUMBERS: ADOPTED ACTION:

660.10	Amendments
660.20	Amendments
660.21	Amendments
660.25	Amendments
660.30	Amendments
660.40	Amendments
660.45	Amendments
660.50	Amendments
660.60	Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36).

5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5525

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 660.21, the comma following "650.21" in the second line was removed.

In Section 660.50(a), "paragraphs" was changed to "subsections" and "or not" was removed.

The fourth site listed in Section 660.60(c) was changed to read: Chauncey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February; no hunting in dedicated Nature Preserve (1))."

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was amended to change 1992 season dates, allow hunters with muzzleloading rifle permits to hunt the second firearm deer season, allow hunters to obtain multiple full-season permits, describe the second-season permit and antlerless-only boxes on the application form, and to add special hunt areas.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER 6: FISH AND WILDLIFE

PART 660
WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

- 660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements - Free Landowner/Tenant Permits---Paid--and Free
660.25 Deer Permit Requirements - Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36).

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992

Section 660.10 Statewide Season and Permit Quotas

- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving in December following the second regular-firearm season to sunset on Sunday of this 3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend (Thursday, Friday, Saturday and Sunday) following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Shooting Hunting hours are one-half hour before sunrise to sunset.
- b) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to muzzleloading rifle deer hunting.

(Source: Amended at '16 Ill. Reg. 11150, effective June 30, 1992)

Section 660.20 Statewide Deer Permit Requirements

DEPARTMENT OF CONSERVATION

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a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). A "Non-Resident Muzzleloading Rifle Deer Permit" may be obtained by non-residents of Illinois provided that they shall be charged the same fee as an Illinois resident would be charged for a deer hunting permit by the State in which the applicant resides except in no case shall the fee be less than \$50.00, and if the State in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation
(Muzzleloading Rifle)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

b) Applications from residents shall be accepted through April 30 of the current year. Applications received after April 30 shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which the first only one choice of hunt areas area or counties county shall be allocated before the second-choice areas are considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to receive the opportunity to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

c1d) Counties permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning the first-Monday of August 1 and ending August 14 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.

e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an

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antlerless-only permit for the county specified on their either-sex permit beginning August 15. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00.

d) f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed proportionately-fair-and-over-the-counter-receipts. All applications received on a specific day shall be processed before processing applications received for a subsequent day.

e)g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.

f)h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning October-35- August 1 and will be included with the residents in the Random Daily Drawing.

g) Anyone-may-apply-as-of-November-1-for-a-muzzleloading-rifle-season permit-(\$15.00-fee)-issued-in-a-random-daily-drawing-for-any-permits-left-over-from-the-county-quotas-to-hunt-the-muzzleloading-rifle season--Only-one-permit-shall-be-issued-per-applicant-

i) There will be two application periods during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During both application periods, the permits shall be issued in a random daily drawing.

1) The first application period starts August 15 and ends August 31. Only one additional either-sex permit shall be issued per successful applicant during the application period. Applicants who have not previously been issued an either-sex permit may apply for and receive a maximum of two either-sex permits during this application period. A maximum of one bonus antlerless-only permit may be issued per either-sex permit issued. One full season antlerless-only permit can be issued to each applicant that has already received a full season either-sex permit. Applicants must print "August 15-Second Muzzleloader Permit" on the outside of the envelope and mark the "August 15-Muzzleloader Second Permit" box on the muzzleloading rifle deer permit application when applying for this permit.

2) The second application period starts September 1 and ends November 9. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full

season either-sex permits. Applicants submitting applications after November 9 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "September 1-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the muzzleloading rifle deer permit application.

b) 1) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.

- 1) The applicant must apply using the official agency preprinted data-mailer application.
- 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same first county choice which he/she listed on the previous year's application. Preference-for-a-permit-is-void-only-for-the-first-county-choice.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All first county choices for the group must be identical.

†† k) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

†† l) Permits are not transferrable. Refunds shall not be granted unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

†† m) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

†† n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

†† o) Persons with lottery preferences (i.e., who did not receive a separate Muzzleloading Rifle Deer Permit during the previous year's lottery) shall have first chance at receiving available permits the following year.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992)

Section 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits --Paid and-Free

Unfilled free landowner and tenant firearm deer permits, either-paid-or--free

issued pursuant to 17 Ill. Adm. Code 650.217 shall be valid only on lands owned/leased by the permit holder during the muzzleloading rifle season. However, the only valid weapon during the muzzleloading rifle season is a muzzleloading rifle which meets the requirements of Section 660.30.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992)

Section 660.25 Deer Permit Requirements - Group Hunt

a) Up to six individuals may apply to hunt as a group. If applicants are applying in a group, all applications for the group must be sent to the Department in the same envelope. All applications for the group shall be processed together only if they are received in the same envelope. Any applications indicating participation in a group that are not received in the same envelope shall be processed separately.

b) Each individual must sign his or her own application.

c) In order to receive preference of the group, all members must have preference for the same county choice. If any member does not have preference for the group's first county choice, the entire group shall not receive preference. The group leader's hunter number is the number identified in the hunter number field on the group leader's application mailer. If the application mailer is lost, the applicant should contact the Permit Office for the leader's hunter number.

d) Applicants applying as a group shall be rejected if they do not list the same first-and-second county choice and complete the group leader information listing the identical group leader.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992)

Section 660.30 Statewide Muzzleloading Rifle Requirements

a) The only legal hunting device is a muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10).

b) All other firearms are illegal.

c) The standards and specifications for use of such muzzleloading firearm are as follows:

1) The minimum size of the muzzleloading firearm projectile shall be .440 caliber (wad or sleeve is not considered part of projectile).

2) Only black powder or Pyrodex may be used.

3) Percussion caps of flint type ignition only may be used.

3d) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down shall

NOTICE OF ADOPTED AMENDMENT(S)

constitute an unloaded muzzleloading firearm.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992.)

Section 660.40 Statewide Deer Hunting Rules

- a) Bag limits--one deer per legally authorized permit. The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Totally white, white-tailed deer are protected pursuant to Section 2.24 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 2.24) and are illegal to kill.
- c) The Muzzleloading Rifle Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owner's Identification number, hunting license number and physical description recorded on the permit and be carried on the person while hunting.

d) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.

e) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferrable).

f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992.)

Section 660.45 Reporting Harvest

- a) Within 48 hours of taking a deer by muzzleloading rifle, the hunter must check the deer in at a county archery check station. However, hunters with a muzzleloading rifle deer permit hunting during the second firearm deer season must abide by regulations contained in 17

NOTICE OF ADOPTED AMENDMENT(S)

Ill. Adm. Code 650.40(d).

- b) Site specific reporting requirements must be followed in addition to this Section.
- c) Failure to follow this Section constitutes illegal possession of deer.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992.)

Section 660.50 Rejection of Application/Revocation of Permits

- a) Any of the following shall result in rejection of an application: In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.

1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit;

2) Submitting more than one application in the same number or by the same person for a Muzzleloading Rifle Deer Permit than allowed in Section 660.20. This will also result in the forfeiture of application fees submitted.

3) It is illegal to apply for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit or have received two either-sex archery deer permits.

4) Providing false and/or deceptive information on the deer permit application form.

5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.

- b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992.)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and

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Trapping apply in this Section, unless this Section is more restrictive.

- b) The subsections listed below are referred to by number in subsections 660.60(c) through (h). Some of the sites listed in subsections 660.60(c) through (h) have numbers in parenthesis which explain the definitions in this Section which apply to that site.

- 1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be left unattended only during the muzzleloading rifle deer season or as specified in 17 Ill. Adm. Code 670.60.
- 2) Only one tree stand is allowed per hunter.

- c) Statewide regulations shall apply at the following sites:

AMAX Leased Lands

Cache River State Natural Area ((1)) ((2))
 Carlyle Lake Wildlife Management Area except Subimpoundment Area
 Chauncey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; permits must be returned by February 15; no hunting in dedicated Nature Preserve ((1))

Crawford County Conservation Area ((1))

Dog Island Wildlife Management Area ((1)) ((2))

Hamilton County Conservation Area ((1))

Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except the public goose hunting areas ((1)) ((2)) north-of-Route-3-only

Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area ((1)) ((2))

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 ((1)) ((2))

Panther Creek Conservation Area ((1))

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County) ((1)) ((2))

Saline County Conservation Area ((1))

Sanganois Conservation Area ((1))

Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15 ((1))

Union County Conservation Area - firing line management unit ((1)) ((2))

Wildcat Hollow State Park

- d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):

Fort de Chartres Historic Site (hunting in designated areas only ((1)) ((2))

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Giant City State Park

Mermet Conservation Area (no hunting in the waterfowl area) ((1)) ((2))

Pere Marquette State Park ((1))

Pyramid State Park

Trail of Tears State Forest ((1)) ((2))

Turkey Bluffs Fish and Wildlife Area ((1)) ((2))

Weinberg-King State Park

- e) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every day for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Hidden Springs State Forest ((1)) ((2))

Jubilee College State Park

Kickapoo State Park ((1)) ((2))

Middle Fork Fish and Wildlife Area ((1)) ((2))

Moraine View State Park

- f) Statewide regulations shall apply, except hunters must check in and check out at the site check station ((1))

Sand Ridge State Forest

Tapley Woods State Natural Area

- g) Hunting is permitted on--the--North--Mainland--Area--Only--statewide regulations--shall--apply--except--hunters--must--check--in--and--check--out--at--the--site--check--station--All--individuals--must--possess--a--current--Christian--County--or--Sangamon--County--Muzzleloader--Deer--Permit--Sangchris--lake--fish--and--wildlife--Area

- g) Hunting is permitted the last four days of the statewide firearm deer season only and by special permit only. Permits will be allocated by a firearm deer permit mail-in drawing at the site office. The registration procedure, hunter quota and date for the drawing will be announced by public news release. All individuals must possess a current Christian County or Sangamon County Muzzleloading Rifle Deer Permit to be eligible for the drawing. Special Sangchris lake firearm deer permits available after the drawing will be allocated on a first-call or first-come basis from the site office. All permit holders must sign in by 6:30 a.m. at the site office for the North Mainland Area and East Mainland Areas. Permit holders for the Peninsula Area must sign in by 6:30 a.m. on the Thursday of the second statewide firearm deer season, and by 9:30 a.m. all other days. Daily vacancies will be filled on a first-come basis at the site office beginning immediately after the sign-in deadline. Check in and check out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl, the Peninsula will be closed to deer hunting until 11 a.m. on the Friday, Saturday and Sunday of the December firearm deer season. Shotgun and muzzleloader hunters on the North and East Mainland areas may hunt during statewide hunting hours.

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- Sangchris Lake Fish and Wildlife Area
- h) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the Regional Office. Permits shall be valid for Area B/C only. Only one permit shall be valid for the season. Only one permit per person shall be issued. Any duplicate applications shall be denied and the hunter shall forfeit his rights to a permit.
- Pike County Conservation Area

(Source: Amended at 16 Ill. Reg. 11150, effective June 30, 1992)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Woodcock, Snipe, Rail and Teal Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 740
- 3) SECTION NUMBERS: ADOPTED ACTION:
740.10 Amendments
740.20 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) EFFECTIVE DATE OF AMENDMENTS: June 30, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 29, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 10, 1992, 16 Ill. Reg. 5540
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
In Section 740.10(g)(1), for each CFR reference, the following was added "effective August 26, 1990".
Section 740.20(b) was changed to read as follows:
Chauncey Marsh (permit required, may be obtained at Red Hills State Park; must be returned by February 15; no hunting in dedicated Nature Preserve)
Section 740.20(d) was changed to read as follows:
Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

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13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? NO

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? NO

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments are being made to adopt language used in Federal regulations to avoid conflicts of interpretation concerning the use of non-toxic shot; open seasons at Cache River State Natural Area, Chauncey Marsh and Union County Conservation Area; close seasons at Little River State Natural Area; and amend season and hunting hours on 3 state sites.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740

WOODCOCK, SNIPE, RAIL, AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) All persons in the field during the firearm deer season, hunting common snipe, rail and woodcock, in those counties for which an open season is established for the taking of deer by firearm, shall wear the same blaze orange clothing required for deer hunting pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.26).
- c) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.
- d) Woodcock
 - 1) Hunting dates: October 1 - December 4
 - 2) Hunting hours: Sunrise to Sunset
 - 3) Daily limit: 5

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NOTICE OF ADOPTED AMENDMENT(S)

- e) Snipe (Common)
- 1) Possession limit: 10 after the 1st hunting day
 - 2) Hunting dates: September 1 - December 16
 - 3) Hunting hours: Sunrise to Sunset
 - 4) Daily limit: 8
 - 5) Possession limit: 16 after the 1st hunting day
- f) Rail (Sora and Virginia)
- 1) Hunting dates: September 1 - November 9
 - 2) Hunting hours: Sunrise to Sunset
 - 3) Daily limit: 25
 - 4) Possession limit: 25
- g) Teal
- 1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 25 26, 1987 1990; 50 CFR 20.104, effective August 25 26, 1987 1990; 50 CFR 20.105, effective August 25 26, 1987 1990; 50 CFR 20.106, effective August 25 26, 1987 1990; and 50 CFR 20.109, effective August 25 26, 1987 1990), unless the regulations in this Part are more restrictive.
 - 2) It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.
 - 3) It shall be unlawful to attempt to take migratory waterfowl to have in possession any shotgun shells prohibited by federal regulations. Sites covered by these regulations are as stated in the federal regulations or they are listed under Section 740.20 of this Part.
 - 4) Shooting hours are 7:00 a.m. - 4:00 p.m.
 - 5) Baiting with corn, grain or other feed is prohibited.

h) Steel-Shot Regulations

Any steel shot may be used for hunting teal, snipe and rail. It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. Sites covered by these regulations are as stated in the federal regulations or they are listed under Section 740.20 of this Part.

(Source: Amended at 16 Ill. Reg. 11162, effective June 30, 1992)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.

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NOTICE OF ADOPTED AMENDMENT(S)

- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

AWAX Leased Lands
Anderson Lake Conservation Area (closed 7 days before waterfowl season)
Big Bend Conservation Area
Big River State Forest
Cache River State Natural Area
Campbell Pond Wildlife Management Area
Carlyle Lake Lands and Waters - Corps of Engineers managed lands
Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimpoundment area)
Chauncey Marsh (permit required, may be obtained at Red Hills State Park; must be returned by February 15; no hunting in dedicated Nature Preserve)
Clinton Lake State Recreation Area
Crawford County Conservation Area
Dog Island Wildlife Management Area
Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)
Ferne Clyffe State Park
Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)
Ft. Massac State Park
Giant City State Park
Hamilton County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m. statewide closing)
Horseshoe Lake Public Hunting Area (Alexander County) - north-of Route-3 (closed on controlled goose hunting area)
I-24 Wildlife Management Area
Iroquois County Conservation Area (closes the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)
Jubilee College State Park (closed 1st weekend - Saturday and Sunday of October; legal opening to 4:00 p.m.)
Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, Upland Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)
Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)
Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm dead season; no snipe or rail hunting)
Kidd Lake State Natural Area (no permanent blinds allowed)
Kinkaid Lake Fish and Wildlife Area

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Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area
 Bittie-Black-Stough-State-Natural-Area
 Lower-Cache-River-State-Natural-Area
 Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)
 Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)
 Mississippi River Pools 21, 22, 24, 25 and 26
 Mississippi River Pools 16, 17, and 18
 Moraine View State Park (closes on day before permit pheasant season; 8:00 a.m. to 4:00 p.m.)
 Panther Creek Conservation Area
 Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area B)
 Pyramid State Park
 Randolph County Conservation Area (no rail hunting)
 Ramsey Lake State Park
 Red Hills (statewide hours until upland game season, then 8:00 a.m. - 4:00 p.m.; Statewide closing)
 Rend Lake Project Lands and Waters
 Rice Lake (during teal season only, hours are sunrise until noon; no woodcock hunting)
 Rockhouse Creek (Monroe County)
 Saline County Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)
 Sam Dale Lake Conservation Area (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)
 Sam Parr State Park (statewide hours until upland game season, then 8:00 a.m. to 4:00 p.m.)
 Sand Ridge State Forest (During the controlled quail and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)
 Sangamon County Conservation Area
 Shawnee National Forest, LaRue Scatters (closes at noon)
 Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of Big Muddy Levee, closes at noon)
 Site M (open weekends only as publicly announced by the Department in the news media; no rail hunting)
 Stephen Forbes State Park
 Tapley Woods State Natural Area (closed during firearm deer season)
 Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL. 62450).

DEPARTMENT OF CONSERVATION

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Trail of Tears State Forest
 Turkey Bluffs Fish and Wildlife Area
 Union County Conservation Area (Firing Line Management Unit only)
 Washington County Conservation Area (no rail hunting)
 Weinberg-King State Park
 Wildcat Hollow State Forest
 Witkowsky State Wildlife Area
 c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.
 Eagle Creek State Park (snipe and rail hunting after September 15 only)
 Fox Ridge State Park
 Hidden Springs State Forest (no hunting during firearm deer season)
 Lake Shelbyville Eagle Creek Wildlife Management Area
 d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):
 Anderson Lake Conservation Area
 Cache River State Natural Area
 Campbell Pond Wildlife Management Area
 Chain O'Lakes State Park (hunting is allowed only from numbered blind sites. The blinds need not be completed)
 Carlyle Lake Wildlife Management Area
 Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)
 Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)
 Dog Island Wildlife Management Area
 Eldon Hazlet State Park (North of Allen Branch only)
 Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))
 Kaskaskia River Fish and Wildlife Area
 Lake Shelbyville Fish and Wildlife Area
 Lake Sinissippi Conservation Area
 Bittie-Black-Stough-State-Natural-Area
 Lower-Cache-River-State-Natural-Area
 Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)
 Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26
 Rend Lake Project Lands and Waters (no permanent blinds allowed)
 Rice Lake Conservation Area (sunrise until 12:00 Noon)
 Sangamon Conservation Area
 Savanna Ordnance Depot (hunting is allowed only from blind sites)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Shawnee National Forest--Buffs-Lakes
Ten Mile Creek State Fish and Wildlife Area (permit required;
areas designated as Refuge are closed to all access during Canada
Goose Season only; parking card must be displayed on dashboard of
vehicle; permit must be returned by February 15 to District
Wildlife Manager, P.O. Box 313, Olney, IL 62450)
Union County Public-Hunting Conservation Area
Woodford County Conservation Area

(Source: Amended at 16 Ill. Reg. 11162, effective
June 30, 1992)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Joint Rules of the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency: Fire Protection and Emergency Services for Telecommunications Facilities
- 2) Code Citation: 29 Ill. Adm. Code 700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
700.1	New Section
700.5	New Section
700.10	New Section
700.15	New Section
700.20	New Section
700.25	New Section
700.30	New Section
700.35	New Section
700.40	New Section
700.45	New Section
700.50	New Section
700.55	New Section
700.60	New Section
700.65	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Telecommunications Facility Fire and Emergency Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1552).
- 5) Effective Date of Rules: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rules contain incorporations by reference? Yes, but not subject to JCAR approval.
- 8) Date Filed in Agency's Principal Office: May 28, 1992
- 9) Notice of Proposal Published in Illinois Register:
December 6, 1991, at 15 Ill. Reg. 17440.
- 10) Has JCAR issued a Statement of Objections to these rules?
No.
- 11) Difference(s) between proposal and final version: See Notice of Adopted Rules for 83 Ill. Adm. Code 785 which is in this issue of the Register on page .

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.

13) Will these rules replace emergency rules currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: These rules are required by Section 2 of the Telecommunications Facility Fire and Emergency Act. The law requires the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency to adopt joint rules on the provision of adequate fire protection and emergency notification systems at telecommunications facilities in Illinois. The rules adopt technical standards for the provision of such systems.

16) Information and questions regarding these adopted rules shall be directed to:

John Plunk
Illinois Emergency Management Agency
110 East Adams
Springfield, IL 62706
(217) 782-2700

The full text of the Adopted Rules appears in 83 Ill. Adm. Code 785 which is in this issue of the Register on page 11009.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Joint Rules of the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency: Fire Protection and Emergency Services for Telecommunications Facilities

2) Code Citation: 41 Ill. Adm. Code 102

3) Section Numbers: Adopted Action:

102.1	New Section
102.5	New Section
102.10	New Section
102.15	New Section
102.20	New Section
102.25	New Section
102.30	New Section
102.35	New Section
102.40	New Section
102.45	New Section
102.50	New Section
102.55	New Section
102.60	New Section
102.65	New Section

4) Statutory Authority: Implementing and authorized by Section 2 of the Telecommunications Facility Fire and Emergency Act (Ill. Rev. Stat. 1991, ch. 111 2/3, pars. 1552).

5) Effective Date of Rules: July 1, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these rules contain incorporations by reference? Yes, but not subject to JCAR approval.

8) Date Filed in Agency's Principal Office: May 28, 1992

9) Notice of Proposal Published in Illinois Register:

December 6, 1991, at 15 Ill. Reg. 17442.

10) Has JCAR issued a Statement of Objections to these rules? No.

11) Difference(s) between proposal and final version: See Notice of Adopted Rules for 83 Ill. Adm. Code 785 which is in this issue of the Register on page

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF ADOPTED RULES

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None required.

13) Will these rules replace emergency rules currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: These rules are required by Section 2 of the Telecommunications Facility Fire and Emergency Act. The law requires the Illinois Commerce Commission, the Office of the State Fire Marshal, and the Illinois Emergency Management Agency to adopt joint rules on the provision of adequate fire protection and emergency notification systems at telecommunications facilities in Illinois. The rules adopt technical standards for the provision of such systems.

16) Information and questions regarding these adopted rules shall be directed to:

John Pavlou
General Counsel
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, IL 62703
1-217-785-4143

The full text of the Adopted Rules appears in 83 Ill. Adm. Code 785 which is in this issue of the Register on page 11009.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: MEDICAL PAYMENT

2) Code Citation: 89 Ill. Adm. Code 140

3) Section Number: Adopted Action:
140.539 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 5-5.1 et seq. and 12-13)

5) Effective Date of Adopted Amendments: June 26, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 26, 1992

9) Notice of Proposal Published in Illinois Register:

January 10, 1992 (16 Ill. Reg. 472)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Difference between proposal and final version: There are no differences.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.2	Amendment	May 1, 1992 (16 Ill. Reg. 6936)
140.13	Amendment	March 27, 1992 (16 Ill. Reg. 4708)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.14	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.15	Amendment	May 22, 1992 (16 Ill. Reg. 7775)
140.16	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.16	Amendment	May 29, 1992 (16 Ill. Reg. 8047)
140.17	Amendment	May 29, 1992 (16 Ill. Reg. 8047)
140.19	Amendment	March 27, 1992 (16 Ill. Reg. 4708)
140.31	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.32	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.33	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.413	Amendment	April 24, 1992 (16 Ill. Reg. 6719)
140.420	Amendment	June 26, 1992 (16 Ill. Reg. 10145)
140.421	Amendment	May 15, 1992 (16 Ill. Reg. 7576)
140.421	Amendment	June 26, 1992 (16 Ill. Reg. 10145)
140.526	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.526	Repealed	June 19, 1992 (16 Ill. Reg. 9393)
140.527	Repealed	January 10, 1992 (16 Ill. Reg. 472)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
140.527	Repealed	June 19, 1992 (16 Ill. Reg. 9393)
140.528	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.528	Repealed	June 19, 1992 (16 Ill. Reg. 9393)
140.529	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.529	Repealed	June 19, 1992 (16 Ill. Reg. 9393)
140.543	Amendment	February 28, 1992 (16 Ill. Reg. 3045)
140.565	Amendment	January 24, 1992 (16 Ill. Reg. 1492)
140.566	New Section	March 27, 1992 (16 Ill. Reg. 4708)
140.579	Amendment	March 6, 1992 (16 Ill. Reg. 3409)
140.600	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.602	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.604	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.608	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.610	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.612	New Section	January 10, 1992 (16 Ill. Reg. 472)
140.614	New Section	January 10, 1992 (16 Ill. Reg. 472)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

140.700 Amendment May 15, 1992
(16 Ill. Reg. 7576)

15) Summary and Purpose of Adopted Amendments: This rulemaking allows the Department to increase reimbursement to long term care facilities for instructional materials used in nurse aide training, from \$12 to \$25.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones

Bureau of Rules and Regulations

Address: Illinois Department of Public Aid

Jesse B. Harris Building II

100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section
140.1
140.2
140.3

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy

140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.5 Covered Medical Services Under GA

140.6 Medical Services Not Covered

140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight

140.8 Medical Assistance For Qualified Severely Impaired Individuals

140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section
140.11
140.12
140.13
140.14

Enrollment Conditions for Medical Providers

140.12 Participation Requirements for Medical Providers Definitions

140.13 Denial of Application to Participate in the Medical Assistance Program

140.14 Recovery of Money

140.15 Termination of a Vendor's Eligibility to

140.16 Participate in the Medical Assistance Program

140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.18 Effect of Termination on Individuals Associated with Vendor

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

140.20 Submittal of Claims

140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited

140.27 Assignment of Vendor Payments

140.28 Record Requirements for Medical Providers

140.30 Audits

140.35 False Reporting and Other Fraudulent Activities

140.40 Prior Approval for Medical Services or Items

140.41 Prior Approval in Cases of Emergency

140.42 Limitation on Prior Approval

140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained

140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments

140.72 Drug Manual (Recodified)

140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER PARTICIPATION FEES

Section
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund

140.95 Hospital Services Trust Fund

140.96 General Requirements (Recodified)

140.97 Special Requirements (Recodified)

140.98 Covered Hospital Services (Recodified)

140.99 Hospital Services Not Covered (Recodified)

140.100 Limitation On Hospital Services (Recodified)

140.101 Transplants (Recodified)

140.102 Heart Transplants (Recodified)

140.103 Liver Transplants (Recodified)

140.104 Bone Marrow Transplants (Recodified)

140.110 Disproportionate Share Hospital Adjustments (Recodified)

140.116 Payment for Inpatient Services for GA (Recodified)

140.117 Hospital Outpatient and Clinic Services (Recodified)

140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.201 Payment for Hospital Services After June 30, 1982 (Repealed)

140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

140.203 Limits on Length of Stay by Diagnosis (Recodified)

140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)

140.350 Copayment (Recodified)

140.360 Payment Methodology (Recodified)

140.361 Non-Participating Hospitals (Recodified)

140.362 Pre July 1, 1989 Services (Recodified)

140.363 Post June 30, 1989 Services (Recodified)

140.364 Prepayment Review (Recodified)

140.365 Base Year Costs (Recodified)

140.366 Restructuring Adjustment (Recodified)

140.367 Inflation Adjustment (Recodified)

140.368 Volume Adjustment (Repealed)

140.369 Groupings (Recodified)

140.370 Rate Calculation (Recodified)

140.371 Payment (Recodified)

140.372 Review Procedure (Recodified)

140.373 Utilization (Repealed)

140.374 Alternatives (Recodified)

140.375 Exemptions (Recodified)

140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)

140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)

140.391 Definitions (Recodified)

140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)

140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)

140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners, Nurses and Laboratories

140.410 Physicians' Services

140.411 Covered Services By Physicians

140.412 Services Not Covered By Physicians

140.413 Limitation on Physician Services

140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

140.416 Optometric Services and Materials

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services
 140.429 Limitations on Chiropractic Services (Repealed)
 140.430 Independent Laboratory Services
 140.431 Services Not Covered by Independent Laboratory
 140.432 Limitations on Independent Laboratory Services
 140.433 Payment for Laboratory Services
 140.434 Record Requirements for Independent Laboratories
 140.435 Nurse Services
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 140.449 Payment of Pharmacy Items
 140.450 Record Requirements for Pharmacies
 140.452 Mental Health Clinic Services
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 140.454 Types of Mental Health Clinic Services
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 140.456 Hearings
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 140.458 Prior Approval for Therapy Services
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 140.462 Covered Services in Clinics (Emergency Expired)
 140.463 Encounter Rate Clinic Payment (Emergency Expired)
 140.464 Psychiatric Clinics (Hospital-based)
 140.465 Speech and Hearing Clinics
 140.466 Rural Health Clinics
 140.467 Independent Clinics
 140.469 Hospice
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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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 140.486 Limitations on Medichuk Services (Repealed)
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SUBPART E: GROUP CARE

Group Care Services
 Cessation of Payment at Federal Direction
 Cessation of Payment for Improper Level of Care
 Cessation of Payment Because of Termination of Facility
 Continuation of Payment Because of Threat To Life
 Provider Voluntary Withdrawal
 Continuation of Provider Agreement
 Determination of Need for Group Care
 Services Provided Without Charge
 Utilization Control
 Utilization Review Plan (Repealed)
 Certifications and Recertifications of Care
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 Recipient Management of Funds

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 19891991, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 19891991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9,

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1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum

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of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351,

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effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Reg. 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Reg. 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1,

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1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; at 16 Ill. Reg. 11174, effective June 26, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART E: GROUP CARE

Section 140.539 Nurse's Aide Training and Testing

a) Nurse's Aide Training

- 1) Nursing Homes shall be reimbursed for the reasonable costs of nurse's aide training. Upon the aide's successful completion of a course which has been approved by the Department of Public Health (77 Ill. Adm. Code 395.300), the nursing home may claim reimbursement for the following costs, provided that they are actually incurred:
 - A) tuition, up to the prevailing community college rate in the health service area for a six credit hour course;
 - B) instructional materials, up to \$12.00-\$25.00;

NOTICE OF ADOPTED AMENDMENTS

Section 140.539(a)(1) (continued)

- C) salary and fringe benefits, (fringe benefits are payroll taxes, unemployment insurance and worker's compensation and health insurance and meals if provided) up to the prevailing entry level for the health service area.

- 2) Payment will not be made under this rule for salary expenses during the clinical training if the clinical training is in the facility of employment. These staffing and salary costs are included under the regular cost related reimbursement system as reported on the facilities' annual cost reports and are reimbursed through the monthly payments to the facilities.

- 3) The Department will reimburse for actual approved hours up to 130 hours.

- 4) Nursing homes shall also receive an additional factor of 5% of the total claim to recognize costs for those who do not successfully complete the course.

- 5) The Department shall reimburse on a pro rata basis according to the percentage of Public Aid patients in the Nursing Home.

b) Nurse's Aide Testing

- 1) Nursing homes shall be reimbursed for the reasonable costs for Nurse's Aide Testing. Only tests approved by the Department of Public Health are reimbursable (77 Ill. Adm. Code 395.300). The nursing home may claim reimbursement for the cost of each approved competency test successfully completed with a passing grade (77 Ill. Adm. Code 395.400(g)).

- 2) Payment will not be made under this rule for costs incurred in administering tests not approved by the Department of Public Health, or for any additional tests administered by the nursing home during or subsequent to nurse's aide training.

NOTICE OF ADOPTED AMENDMENTS

Section 140.539(b) (continued)

- 3) Payment will be made for all competency tests successfully completed with a passing grade after October 1, 1989.
- 4) The maximum reimbursable cost per competency test successfully completed with a passing grade is the current fee charged by the Department of Public Health approved testing service. The Department will reimburse on a pro rata basis according to the percentage of Public Aid patients in the nursing home. The Department will not pay any other costs associated with the testing process.
- 5) Written proof (Individual Test Results) must be submitted by the nursing home for each competency test for which reimbursement is claimed.
- 6) No payment will be made for any competency test in which a failing grade (77 Ill. Adm. Code 395.400(g)) is received for any part of the test. A nurse's aide must pass both the demonstration of manual skills and written portions of the test before reimbursement may be claimed.

- 7) Nursing homes shall receive an additional factor of 5% of the total claim to recognize costs for those who do not successfully pass the test.

(Source: Amended at 16 Ill. Reg. 11174, effective June 26, 1992)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Regulations for Meetings
- 2) Code Citation 11 Ill. Adm. Code 1424
- 3) Section Number: 1424.100 Adopted Action: Repealed
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: June 25, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: June 25, 1992
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 2444, February 14, 1992.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: The proposed amendments to Sections 1424.170 and 1424.175 were removed prior to second notice. Section 1424.230 in the Table of Contents was changed to reflect the correct title on file with the Administrative Code Division.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This repeal eliminates a duplicate rule, the restriction on the number of races run per day appears in Section 405.90 (11 Ill. Adm. Code 405.90).
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1424

REGULATIONS FOR MEETINGS

Section	
1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Pacing System
1424.160	Camera
1424.170	Medical Services
1424.175	Manned Ambulance
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses
1424.260	Breeder Awards
1424.270	Admissions to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet

1)	<u>The Heading of the Part:</u>	Revised Uniform Limited Partnership Act
2)	<u>Code Citation:</u>	14 Ill. Adm. Code 170
3)	<u>Section numbers:</u>	<u>Adopted Action:</u>
	170.10	Amendment
	170.11	Amendment
	170.12	Amendment
	170.13	Amendment
	170.14	Amendment
	170.17	Amendment
	170.20	Amendment
	170.30	New

4) Statutory Authority: Implementing and authorized by the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1991, ch. 106 1/2, pars. 151-1 et seq.)

A total of nine races // One of said races shall be a race for 11 months conceived and foaled // horses of 11 months foaled // horses of both // subject to the provisions of the foregoing rule // 234311 // 111111 // Admin // Code 1242503 // If any organization // licensee desires to run off additional races // said operator may make special application to the Board // therefor // naming the conditions // purse or prize to be awarded // therefor // // However // at every southern // 111111 months // thoroughbred meeting // each organization // licensee must run ten races // each // program on the first day of each racing week // and every Friday // Saturday // and Monday // upon which racing is conducted // The licensee may run ten races // each // program on other days // if it so desires // and // it gives prior notice to the Board // under circumstances where // supplemental // racing is available // at the southern // 111111 track // not in operation //

10) Has JCAR issued a Statement of Objections to these amendments? No

1. Changed Source Note from "amended at 14 Ill. Reg. 1483" to "amended at 14 Ill. Reg. 1480".

2. In Section 170.12 the word "in" was omitted before the word "Springfield".

3. In Section 170.14(b)(2) changed "paragraph (b)" to "subsection (b)".

4. To Section 170.14(f) added the text "and upon approval by the State Records Commission (Ill. Rev. Stat. 1991, ch. 116, par. 43-19)."

5. To Section 170.10 added the definition "Abstracts of Limited Partnerships shall consist of hard copy print-out of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State."

NOTICE OF ADOPTED AMENDMENT(S)

6. Added the following text as the second sentence of Section 170.17(f)(5): Resale of information in the same form or format shall result in cancellation of access to information by the Department.
7. In Section 170.20(c)(2) deleted the text "on the appropriate forms".
8. In Section 170.20(c)(3) replaced "these rules" with "this Part".
9. Updated the Illinois Revised Statutes to 1991.
10. In Section 170.17(e)(4) deleted "subsection (A) of this Section" and inserted "the provision of this Part".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments are for the purpose of corrective language for Department and Division name, filing office address, form of payment acceptable, minimum filing fee and service fee required. Detailing, "sale of information", via computer connection procedures and fees. Detailing filing requirements for General Partnerships servings as general partners. Identify our fee refund policy.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Max Rockhold
Dept. of Business Services
Secretary of State's Office
300 Centennial Building
Springfield, Illinois 62706
(217)785-3238

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 170
REVISED UNIFORM LIMITED PARTNERSHIP ACT

Section	
170.10	Definitions
170.11	Filing Locations
170.12	Business Hours
170.13	Fees
170.14	Service of Process
170.15	Additional Requirements for Forms
170.16	Assumed Names
170.17	Sale of Information
170.20	Filing Requirements
170.30	Refunds

AUTHORITY: Implementing and authorized by the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1987 1991, ch. 106½, pars. 151-1 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 10314, effective July 1, 1987; amended at 14 Ill. Reg. 1480, effective January 15, 1990; amended at 16 Ill. Reg. 11196, effective July 1, 1992.

Section 170.10 Definitions

In addition to the definitions contained in Section 101 of the Revised Uniform Limited Partnership Act (Ill. Rev. Stat. 1986---Supp- 1991, ch. 106½, pars. 151-2 et seq.) the following definitions shall apply:

"Abstracts of Limited Partnerships" shall consist of a hard copy print-out of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State.

"Department" shall mean the Department of Corporations Business Services of the Office of the Secretary of State.

"Director" shall mean the Director of the Department of Corporations Business Services.

"RULPA" shall mean the Revised Uniform Limited Partnership Act, (Ill. Rev. Stat. 1986-Supp-1991, ch. 106½, pars. 151-2 et seq).

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"RULPA Division" shall mean that unit of the Department which administers the provisions of RULPA.

"Secretary" shall mean the Secretary of State of Illinois.

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

Section 170.11 Filing Locations

- a) All documents required to be filed with the Secretary of State pursuant to the RULPA shall be filed with the Department.
- b) Documents submitted for filing in Springfield, the Department's headquarters, shall be filed at the following address:

Department of Corporations Business Services
Limited Partnership Division
Room 328 330, Centennial Building
Springfield, Illinois 62756
Attention:--RBHPA-Division

c)---Documents--submitted--for--filing--in--Chicago--shall--be--filed--at--the following address:

Department-of-Corporations
188-West-Randolph-Street--Room-426
Chicago--Illinois--60601
Attention:--RBHPA-Division

d)(c) Documents submitted by mail for filing should be sent to the Department's Springfield office.

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

Section 170.12 Business Hours

The Department of Corporations' Business Services business hours are 8:00 a.m. to 4:30 p.m. in Springfield, Monday through Friday, except holidays. The--Chicago--office--hours--are--8:30--a.m.--to--5:00--p.m.--Monday through--Friday--except--for--holidays.

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

Section 170.13 Fees

All fees for filing of any document, or copies of any document, as set forth in this Part or in Section 1102 of the RULPA shall be paid only by money order.

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certified check, cashier's check, or a check drawn on the account of an Illinois licensed attorney or certified public accountant, made payable to the "Secretary of State" or by Visa or Mastercard payment.

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

Section 170.14 Service of Process

- a) For the purposes of Sections 107 and 909 of the RULPA, the procedures set forth in this Section shall apply.
- b) Any process, notice or demand to be served under this Part shall be made upon the Secretary, or the Director, or any employee of the Department designated by the Director to accept such service for him or her, in the following manner:

1) Service shall comply with the provisions of Part 2 of the Civil Practice Law (Ill. Rev. Stat. 1985 1991, ch. 110, pars. 2-201 et seq., the Federal Rules of Civil Procedure (28 USCA), or any administrative rules of service, as may be appropriate.

2) The affidavit of compliance required by Section 107 and 909 of the RULPA to be appended to the process, notice or demand to be served, containing the information described in paragraph subsection (b) herein, shall be signed by the person instituting the action, suit or proceeding or by an attorney of record, and the signature of the affiant, without more, shall constitute the affirmation or acknowledgment, under penalties of perjury, that the affidavit is the act or deed of the affiant and that the facts stated therein are true.

c) The affidavit of compliance shall state:

- 1) the title of the court or administrative agency;
- 2) the title of the case, showing the names of the first named plaintiff and the first named defendant;
- 3) the number of the case;
- 4) the title of the instrument;
- 5) the title of the limited partnership to be served;
- 6) the basis for service on the Secretary;
- 7) the address to which the instrument is to be sent (by registered or certified mail) by the affiant;

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- 8) the name, address and telephone number of the attorney of record for the plaintiff or other affiant.
- d) Service of any process, notice or demand made under this Part shall be had with the Department either at Room 328 330, Centennial Building, Springfield, Illinois 62756, or at Room 4267 488 West Randolph Street, Chicago, Illinois 60661.
- e) At the time of any service under this Part, there shall be paid a fee of \$5.00 (Ill. Rev. Stat. 1986---Supp. 1991, ch. 106½, pars. 151-2 et seq.), payable by check or money order to the "Illinois Secretary of State". Each process, notice or demand shall be submitted with a separate payment.

- f) The Department of Corporations shall record in a ledger the information required to be kept by Section 107(e) of the RUBPA. Copies of the documents submitted shall be kept in paper form for two years after receipt, and the documents shall then be microfilmed, and the paper copies placed in storage until five years have elapsed since receipt. The Department of Business Services shall maintain original file copies which shall be in paper form or an acceptable archival medium, and originals may be discarded upon verification of archival medium (microfilm or electronic imaging) and upon approval by the State Records Commission (Ill. Rev. Stat. 1991, ch. 116, par. 43.19).

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

Section 170.17 Sale of Information

- a) The Department of Corporations Business Services shall not reproduce, or sell any list of limited partnerships on file until at least July 1, 1991.
- b) Information concerning any limited partnership or limited partnerships shall be available to the public from the Department of Corporations Business Services only upon written request, only or by telephone with advance payment using Visa or Mastercard when submitted by mail or in person at the offices of the Department as stated in Section 170.11.
- c) Information concerning the limited partnerships on file with the Department shall be in the form of an abstract of record, printed from the computer file of the Department, and shall consist of the limited partnership name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date at which the limited partnership will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, and the file number with the Department. The fee for each abstract of record shall be \$2.00 plus \$10.00.

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- d) Copies of all documents pertaining to limited partnerships on file with the Department are available upon written request only submitted either by mail, or in person or by telephone with advance payment using Visa or Mastercard to the Springfield office of the Department. The fee for such copies, and certification of any documents, is at least \$10.00, as stated in P.A.--84-1412, effective July 1, 1987, and January 1, 1987---See Ill. Rev. Stat., 1986-Supp. 1991, ch. 106½, par. 2-2 et seq. 1102.
- e) No information concerning limited partnerships shall be available by means of a computer network, nor shall any information be sold to any commercial information service company or entity, until at least July 1, 1991. Computer connections by non-department users
- 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency incurs all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
- 2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the cost-effectiveness of providing the information through computer terminal connections as opposed to other methods, and other factors which may impede the operations of the Office of the Secretary of State. This service will be suspended at any time, should the connection interfere with the Secretary's internal work schedules and processing.
- 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the economically simplest way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and any other appropriate factors, such as statutory fees (Ill. Rev. Stat. 1991, ch. 106 1/2, par. 1102) for certain types of information and the requirements of this Subpart.

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- 4) No users may print any list or abstract from the computer connection. Lists of RULPA information including the names and information concerning all limited partnerships may only be purchased pursuant to the provision of this Part. Computer connections are to be used only to look up information. No changes on the Department's RULPA files may be made by any computer connection user.

f) Terms and conditions for computer maintained RULPA information

- 1) The information supplied by the Department to other agencies, commercial users, or other person, shall be in the abstract format only, as specified in subsection (c) of this Section.
- 2) The fee for the entire list of current and dissolved limited partnerships, and assumed names, shall be \$1,500.00. The weekly update list shall cost \$100.00 per week. The list is available on microfiche, or on computer tape. If the list is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.
- 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order, or Visa or Mastercard made payable to the "Secretary of State".
- 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may be deemed appropriate after negotiation between the Department and the purchaser.
- 5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only on the basis of each limited partnership as needed by the subscriber.

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

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Section 170.20 Filing Requirements

- a) Corporations serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:
- 1) a domestic corporation shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.
 - 2) a foreign corporation qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a corporate officer.
 - 3) a foreign corporation not qualified in Illinois shall be in good standing in its state of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a corporate officer.
- b) Limited partnerships serving as general partners in limited partnerships or foreign limited partnerships must comply with the following:
- 1) a domestic limited partnership must be in good standing in Illinois and the partnership registration application shall be executed by a general partner.
 - 2) a foreign limited partnership qualified in Illinois shall be in good standing in Illinois and the partnership registration application shall be executed by a general partner.
 - 3) a foreign limited partnership not qualified in Illinois shall be in good standing in its state or jurisdiction of formation and provide a certificate to that effect of such state or jurisdiction with the partnership registration application which shall be executed by a general partner.
- c) General partnerships serving as general partners in limited partnerships must comply with the following requirements:
- 1) both domestic and foreign general partnerships must identify their state of formation, the county of their formation, and their office of records address.
 - 2) all partners are to be identified by name and those partners which are partnerships or corporations, or other non-personal entities, shall provide documentation of their existence in good standing in the states of formation or organization.

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- 3) only one partner of a general partnership need execute any documents required by this Part on the RULPA for filing with the Department.

d) Any foreign limited partnership shall submit a certificate of existence issued by the state of organization when the foreign limited partnership files its admission to transact business pursuant to Section 902 of the RULPA. The Department shall reject any proposed filing which does not contain the certificate of existence or good standing issued by the state of organization.

e) When a limited partnership is a general partner in a newly formed limited partnership, or when the limited partnership is substituted by amendment as a general partner, then the name of the limited partnership shall be written, typed or printed in the space for the general partner on the certificate of authority or amendments to the certificate.

(Source: Amended at 16 Ill. Reg. 11196, effective July 1, 1992)

Section 170.30 Refunds

No refunds of any fees shall be paid by the Department if deficiency in filings are not corrected within the required time periods.

(Source: Added at 16 Ill. Reg. 11196, effective July 1, 1992)

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- 1) The Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section numbers:</u>	<u>Adopted Action:</u>
2700.10	amendment
2700.20	amendment
2700.30	amendment
2700.40	amendment
2700.50	amendment
2700.55	amendment
2700.60	amendment
2700.70	amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
March 20, 1992, 16 Ill. Reg. 4368
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
There were no substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.

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14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments. Section 2700.20 now defines consortium agreement and remedial courses as they are used later within ISAC Rules. Section 2700.30(e) specifies that advanced payment requests are due on the same date as other information that is reported annually to ISAC. Section 2700.30(e)(3) deletes obsolete references to the Naval Militia which no longer exists in Illinois. Section 2700.55 establishes ISAC's authority to set guidelines for school and lender participation in the electronic data exchange programs and delineates the criteria by which the agency will evaluate applications to participate in these programs.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilnot Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700
GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal Procedures

AUTHORITY: Implementing the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.); Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992.

Section 2700.10 Summary and Purpose

a) The purposes of the Illinois Student Assistance Commission (ISAC) include:

- 1) Improving postsecondary educational opportunities for eligible students through the centralized administration of Illinois student assistance programs; and
 - 2) Coordinating Illinois student assistance programs with those of the United States Department of Education (ED).
- b) This Part establishes general Rules and definitions that apply to all student assistance programs administered by ISAC, except to the extent that subsequent Parts may qualify these general provisions.

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Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992 1992)

Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Chargeback" - Payment of tuition by the community college district of a student's residence to the community college district of a student's attendance. (Ill. Rev. Stat. 1989, ch. 122, par. 106-2.)

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

"Commission" - The nine member Illinois Student Assistance Commission created by the Higher Education Student Assistance Law. (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.3.)

"Concurrent Registration" - The contemporaneous maintenance of enrollment at two or more institutions.

"Consortium Agreement" - The written agreement between an institution eligible to participate in any of the programs administered by the Illinois Student Assistance Commission (as defined in Section 2700.30 and subsequent Parts of the ISAC Rules) and another institution whereby the second institution provides all or part of the education program of students enrolled in the eligible institution. ISAC reserves the right, after review of the agreement, to make the final decision regarding the amount, if any, and the destination of final gift assistance payment(s).

"ED" - The acronym for the United States Department of Education.

"Eligible Non-citizen" - For the purposes of these Rules, eligible non-citizen is defined as non-citizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091) (1989) This definition does not include any later amendments or editions.

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"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - Loan assistance through the Robert T. Stafford Loan Program, the PLUS Program, the Supplemental Loans for Students (SLS) Program, or the Consolidation (unfLeas) Loan Program.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter Term.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1087vv) (1989) A non-independent student is referred to as a dependent student. This definition does not include any later amendments or editions.

"Institution" - Unless otherwise qualified, any secondary or postsecondary educational organization which enrolls students who participate in ISAC programs.

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 30-15.3 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.3) to administer the State's student assistance programs.

"Mandatory Fees" - The charges assessed by an institution to each and every Full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a Mandatory Fee.

"Parent" - For the purpose of these Rules, "Parent" is defined at 34 CFR 668.2 (1989). This definition does not include any later amendments or editions.

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"Pell Grant" - A gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1070a et seq.)

"Regular School Year" - An eight to nine month period of time which includes two semester Terms or three quarter Terms. The regular school year excludes summer Terms and special Terms. Programs that begin after April 15 and before August 16 are considered summer Terms.

"Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR 600 et seq.

"Remedial Courses" - The coursework that prepares a student for study at the postsecondary level and must be necessary for the student to pursue the eligible postsecondary program.

"Resident of Illinois" -

A non-independent student is a Resident of Illinois if a Parent of the dependent-Applicant physically resides within the State of Illinois.

An Independent Student is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

An Applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such enlistment.

An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six

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months of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

A "Foreign Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 484 of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1091.)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. (198990) and by

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these Rules. This definition does not include any later amendments or editions.

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

Section 2700.30 General Institutional Eligibility Requirements

a) Program Participation Agreement

1) All Institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC Gift Assistance programs.

2) The Program Participation Agreement shall identify ISAC programs under which the Institution's students may receive benefits.

3) The Agreement shall include provisions requiring Institutions to comply with statutes, Rules and Regulations.

4) The Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790.

b) With respect to ISAC student assistance programs, Institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their Enrolled recipients.

c) Institutions shall be subject to possible Limitation, Suspension or Termination of eligibility for failure to comply with statutes, Regulations, Rules, or procedures. (See: 23 Ill. Adm. Code 2790.1)

d) Postsecondary Institutions which participate in Gift Assistance Programs shall annually submit to ISAC a copy of both their Satisfactory Academic Progress Policy and their Tuition Refund Policy. Public postsecondary Institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard/Naval Militia Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.

e) Postsecondary Institutions which participate in Gift Assistance Programs shall annually report their Tuition and fee charges, as well as advance payment requests, to ISAC on or before June 1 preceding each Academic Year.

1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for student assistance benefits. Failure to report

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the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC Gift Assistance Programs.

2) The report shall match specific fee charges with the Gift Assistance program(s) which may finance the fee. Such categorizations by the Institution shall not be considered ISAC approval.

3) The National Guard/Naval-Militia Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See: 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).1)

A) Example: One fee finances both Tuition and text book expenses. Only the portion of the fee which is attributable to Tuition expenses may be financed with program benefits.

B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the Institution's chief fiscal officer.

f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.

g) Additional institutional eligibility requirements are contained in subsequent Parts of the ISAC Rules.

h) Postsecondary Institutions may apply to participate in ISAC Guaranteed Loan programs in accordance with 23 Ill. Adm. Code 2720.

i) Postsecondary Institutions may apply to participate in ISAC Gift Assistance programs in accordance with this subsection.

1) The Commission approves participation in ISAC student assistance programs for an Institution rather than for specific academic programs within an Institution.

A) When requesting payment of benefits, Institutions shall certify (in accordance with ISAC Rules and/or Federal Regulations) whether enrollment in a particular academic program qualifies the announced recipient to claim ISAC administered benefits.

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- B) Students Enrolled in academic programs while incarcerated are ineligible for ISAC Gift Assistance benefits.
- 2) Prior to applying for participation in ISAC programs, the institutional Applicant must have authority to operate a postsecondary Institution in Illinois. [See: 23 Ill. Adm. Code 1030.]
- 3) Institutional Applicants which are fully accredited by the North Central Association and have degree-granting authority shall be approved to participate in ISAC student assistance programs provided the Institution meets the requirements of subsections (i)(4)(C) & (D) below.
- 4) Institutional Applicants which do not meet the requirements of subsection (i)(3) above shall be approved to participate in ISAC student assistance programs if the Institution has:
- obtained candidate status for North Central accreditation.
 - applied for and is seeking degree-granting authority.
 - obtained at least three letters indicating the transferability of academic credit from the Applicant Institution to other Institutions. The letters must be from Institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. [See: 23 Ill. Adm. Code 2735.60.]
 - an adequate number of qualified persons to administer their responsibilities under ISAC Rules. In determining whether an Institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the Institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the Institution.
- 5) Once approved to participate in ISAC student assistance programs by the Commission, an Institution shall receive provisional eligibility for a minimum of five academic years.
- A) On or before June 1 preceding each Academic Year, an Institution with provisional eligibility shall annually submit three letters indicating the transferability of

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- academic credit to other Institutions for the following Academic Year. These letters must be from ISAC-approved MAP Institutions which are fully accredited by the North Central Association.
- B) An Institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the Institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.
- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary Institutions shall have a valid Program Participation Agreement with ED. [See: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094).]

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an Applicant with a defaulted Guaranteed Loan or a defaulted Perkins Loan, (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.
- Eligibility for future terms may be reinstated in accordance with the following provisions:
 - Eligibility for ISAC Guaranteed Loans will be reinstated when the debt has been paid in full.
 - Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.
 - An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one Term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(B) above, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

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- b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for: ISAC-administered Gift Assistance, Pell Grant, or a Supplemental Educational Opportunity Grant (SEOG) (20 U.S.C.A. 1070(b)).
- c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. (See: Section 2700.50.) Failure to supply adequate documentation shall result in the denial of student assistance benefits.
- d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.
- e) All Applicants must submit their Social Security Number.
- f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.
- g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.
- h) When Gift Assistance eligibility is limited to a specified number of Term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.
 - 2) For each Term of half-time payment benefits, one-half of the above eligibility units is assessed.
 - 3) Sixty eligibility units are the equivalent of payments for ten semester/fifteen quarters of full-time benefits.
 - 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
- i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary Institution as required by 34 CFR 668.31 et seq.

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- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 and 23 Ill. Adm. Code 2733, an Applicant must be maintaining Satisfactory Academic Progress in accordance with the Institution's policy.

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.
- b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.
- d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.
- e) If an Applicant is selected for Verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs. A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.
- f) Because ED Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following provisions shall be followed by the Institutions.
 - 1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:

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- A) the Applicant has changed dependency status and has become an Independent student; or
 - B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (Ssee Section 2700.30) during the preceding twelve months; or
 - C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.
- 2) A valid income tax return, federal or state, may provide proof that an Applicant (or Parent) is an Illinois Resident as defined in Section 2700.20.
 - 3) If an Applicant (or Parent) is not required by law to file an income tax return, or if the tax return does not provide proof of Illinois residency, one or more of the documents listed below may provide proof of residency. For an Independent Student Applicant, the dates recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous months.
 - A) Illinois High School transcript
 - B) Illinois Driver's License
 - C) Utility or rent bills in the Applicant's (or Parent's) name
 - D) Illinois Auto Registration card
 - E) Residential lease
 - F) Wage and Tax Statements (IRS Form W-2)
 - G) Statement of benefits history from the Illinois Department of Public Aid
 - H) State of Illinois Identification Card issued by the Secretary of State.

- 4) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsections (f)(2) and (3) above, the Applicant or the Institution may verify residency through ISAC's appeal process. (See: Section 2700.70.)

- g) Institutions may request first Term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first Term payment to ISAC. For other than the first Term of eligibility in an Academic Year, the Verification process must be

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- h) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

Section 2700.55 Electronic Data Exchanges

- a) ISAC will provide requesting eligible Institutions and Lenders with electronic data regarding Applicants. In return, Institutions and Lenders will provide ISAC with electronic data on Applicants as required by these Rules.

- b) To participate in electronic data exchanges, the Institution or Lender shall:
 - 1) meet the eligibility guidelines established by ISAC.
 - 2) execute a written agreement with ISAC, outlining the conditions of participation, and
 - 3) select either a machine readable medium for direct teletransmission.

Information on the availability of electronic data exchanges shall be provided in ISAC publications.

- c) In the event the medium is lost, damaged, mutilated or erased, the party responsible shall bear the cost of replacing or restoring the medium.

- d) ISAC shall provide program documentation and reasonable technical assistance related to data exchanges. The data and program documentation shall be confidential and shall not be used, sold, or shared for any purpose other than those directly related to the internal operations of the Institution, Lender, or ISAC.

- e) Institutions and Lenders participating in direct teletransmission data exchanges shall be provided with security procedures including access codes and passwords. Institutions and Lenders shall be responsible for implementing appropriate safeguard procedures to protect the integrity of the data transmitted or received.

- f) Institutions and Lenders shall comply with all applicable federal and state laws which regulate the privacy of, and access to, Applicant data. (See: e.g., The Family Educational Rights and

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Privacy Act (20 U.S.C.A. 1232g); The Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.); Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094); and 34 CFR 682.610.1

- g) To be eligible to participate in ISAC electronic data exchanges an Institution or Lender shall submit an application to ISAC which shall include, but not be limited to, information regarding default rates, previous program reviews and audits, compliance with rules and regulations, the numbers of years in financial aid programs and items demonstrating administrative capability and financial responsibility. Participation shall be determined by eligibility guidelines established and published by ISAC on an annual basis. (See 23 Ill. Adm. Code 2720.20 and 2720.30.)

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

Section 2700.60 Audits and Investigations

- a) ISAC shall audit participating postsecondary Institutions. Postsecondary Institutions shall be audited once every three years (schedule permitting) unless more frequent audits appear to be necessary due to circumstances such as: substantial increases in student enrollment, evidence that the Institution is experiencing difficulty meeting the requirements of these Rules or Federal Regulations, or discrepancies in past audits conducted by the ISAC. Institutions with provisional eligibility shall be audited annually, schedule permitting. Secondary Institutions may be audited when ISAC has a complaint indicating an audit is appropriate. Audits shall usually be announced, but ISAC reserves the right to make unannounced audits.

- b) ISAC shall have access to all records related to ISAC programs. These records include, but are not limited to: admission records, financial records, registration records, attendance and enrollment records, financial aid transcripts, grades, academic transcripts and records maintained in accordance with ED Verification Procedures.

- c) ISAC audits shall be conducted in accordance with generally accepted audit standards as promulgated by the U.S. General Accounting Office publication "Standards for Audit of Governmental Organizations, Program Activities and Functions," where applicable.

- d) The Institution shall be extended an opportunity to review and comment on the auditor's preliminary findings before the final audit report is submitted to the Institution's chief executive officer. Audit findings may be appealed in accordance with Section 2700.70.

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Audit findings may be appealed in accordance with Section 2700.70.

- e) If an audit identifies student assistance funds which were claimed on behalf of ineligible students, the funds shall be deducted from subsequent payments to the Institution.

- f) ISAC may visit Institutions to conduct investigations related to fraud and abuse of ISAC programs. Campus administrators and/or campus security police may be consulted as part of any on-going investigation.

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

Section 2700.70 Appeal Procedures

- a) Complainants (including Applicants, Institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days of the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days of an administrative decision, including administrative decisions rendered under subsections (d) and (e) below, the complainant forfeits all appeal rights.

- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within fifteen working days of receipt of the appeal.

- 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If ISAC is not able to make a determination based on the information provided, the complainant shall may be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).

- 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, Rules and Regulations relevant to the issue appealed.

- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50(f)(4) and 23 Ill. Adm. Code 2760.40(a), Applicant appeals shall not be written or submitted by a lender or Institution. A lender or Institution may advise an Applicant on appeal issues and opportunities.

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- d) The complainant shall submit an appeal directly to the appropriate ISAC Manager. An appeal may be pursued through the appropriate sequence of ISAC's administrative levels culminating with an appeal to the Executive Director. (See: 2 Ill. Adm. Code 5375. Appendix A.)
- e) Adjudicatory hearings are available for complainants who have first used the procedures of subsection (d) above. A hearing shall be requested, in writing, within 60 days of the date of the Executive Director's appeal decision.
- 1) Within 30 days of the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.60(d)-(f).
- 2) The hearing officer shall issue a recommended decision in accordance with and subject to 23 Ill. Adm. Code 2790.70.
- f) Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(c), are considered final administrative decisions as defined by the Administrative Review Law. (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) The complainant shall be sent written notification of the final administrative decision within ten working days of the Commission's disposition of the appeal.

(Source: Amended at 16 Ill. Reg. 11206, effective July 1, 1992)

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- 1) The Heading of the Part: Guaranteed Loan Programs
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section numbers:
- | | | |
|-------------|-----------|------------------------|
| 2720.5 | amendment | <u>Adopted Action:</u> |
| 2720.6 | amendment | |
| 2720.10 | amendment | |
| 2720.20 | amendment | |
| 2720.25 | added | |
| 2720.30 | amendment | |
| 2720.40 | amendment | |
| 2720.50 | amendment | |
| 2720.55 | amendment | |
| 2720.60 | amendment | |
| 2720.70 | amendment | |
| 2720.80 | amendment | |
| 2720.90 | added | |
| 2720.105 | amendment | |
| 2720.120 | amendment | |
| 2720.130 | amendment | |
| 2720.200 | amendment | |
| 2720.210 | amendment | |
| 2720. App A | amendment | |
- 4) Statutory Authority: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
March 20, 1992, 16 Ill. Reg. 4386
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.

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11) Difference(s) between proposed and final version:

There were no substantive changes between the proposed and final versions of this part. Section 2720.40(f)(2) was amended to include the words "the last day of" to clarify the date by which loans must be sold in order to comply with that rule. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the part.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.13) Will these amendments replace an emergency rule currently in effect? No.14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments. In Section 2720.6, the definition of "default status" has been expanded to include loans repayable in quarterly installments; a definition of "educational lender" was added as a new section has been established for this type of institution; and the definition of "holder" has been updated to include lenders. Section 2720.10(b) has been amended to include out-of-state parents within the definition of eligible borrowers provided that they are borrowing on behalf of students attending Illinois institutions. Section 2720.10(g) sets the minimum time frames within which a borrower may request a new loan. Section 2720.20(a)(1) includes a reference to consolidation loan programs generally in the lender agreement. Section 2720.20(d) has been moved to a new section (2720.25) to separate it from the section governing commercial lenders, for clarification purposes. Section 2720.20(f) reaffirms and clarifies ISAC's authority to approve applications from lenders wishing to participate in its guaranteed loan programs and delineates the criteria by which the agency will evaluate and respond to applications from any lender seeking to participate in its guaranteed student loan programs. Section 2720.25 governs the criteria and application procedures for educational institutions that wish to act as lenders in ISAC's guaranteed loan programs. Section 2720.30(c) has a phrase added to clarify the necessity of a new application to ISAC when a change in the school's status causes it to reestablish eligibility with the Department of Education. Section 2720.30(i) reaffirms and clarifies ISAC's authority to approve applications from educational institutions wishing to participate in its guaranteed loan programs and delineates the

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criteria by which the agency will evaluate and respond to any applications from educational institutions seeking to participate in its guaranteed student loan programs. Section 2720.40(f)(1)(E) clarifies the applicable federal regulations relating to loans made by educational lenders. Section 2720.40(f)(2) extends the deadline by which a lender is required to sell a loan subject to subsection (f)(3) of that section and incorporates an existing ISAC policy regarding the procedures through which a lender can "cure" (or reinstate the guarantee on) loans found to be in violation of subsections (f)(1) or (f)(3) of that section. Section 2720.40(f)(3) clarifies the agency's requirement that all loans guaranteed by ISAC for an individual borrower be held by one lender by placing it in a paragraph of its own. Section 2720.50 contains amendments for clarification only. Section 2720.55 removes references to a specific product name and replaces them with terms describing the type of program involved (i.e., loan consolidation). Section 2720.60(e) depicts with more specificity the supplemental services provided to clients when they request ISAC assistance in collection efforts. Section 2720.70(h)(3) more accurately describes the nature of the notice sent to borrowers whose accounts are referred to the State Treasurer for offset. Section 2720.80(d) establishes that the proceeds from the student insurance premium may also be used by ISAC to pay the reinsurance fee assessed by the Department of Education. Section 2720.90 authorizes the transfer of loan guarantees by ISAC to or from other guarantors/servicers. This particular amendment is proposed in anticipation of ISAC's participation in ongoing efforts by the federal government to distribute the student loan portfolio previously held by the Higher Education Assistance Foundation (HEAF). Section 2720.210 more specifically describes the factors used in determining Illinois Opportunity Loan Program eligibility when available loan funds are limited.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

GUARANTEED LOAN PROGRAMS

SUBPART A: Loan Guarantee Programs:

THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Educational Institution Lender Eligibility
2720.25	Institutional Eligibility
2720.30	Procedures for Obtaining a Guaranteed Loan
2720.40	Procedures for Disbursement and Repayment
2720.50	Consolidation Loan/Unified Program
2720.55	Preclaim Assistance
2720.60	Reimbursement Procedures
2720.70	Student Insurance Premium
2720.80	Guarantee Transfers
2720.90	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program

2720 App. A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at

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5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4062, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992.

SUBPART A: Loan Guarantee Programs:

THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section 2720.5

Summary and Purpose

- Guaranteed Loan Programs are authorized by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), and are administered by the United States Department of Education (ED), State governments, educational Institutions and Lenders.
- This Part establishes Rules which govern ISAC Guaranteed Loan Programs. Additional Rules and definitions are contained in the General Provisions part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.
- Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), educational Institutions and

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Lenders. This Subpart implements ISAC's ediscretionary authority as a Guarantee Agency.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.6 Definitions

"Academic Year" - For the purposes of this Part, is defined at 34 CFR 668.2.

"Default Status" - The failure of a borrower to make an installment payment when due or to meet terms of the Note, provided this failure persists for 180 days for a loan repayable in monthly installments or 240 days for a loan repayable in less frequent installments under circumstances where ISAC finds it reasonable to conclude the borrower no longer intends to honor the repayment obligation. Such circumstances include, but are not limited to, a refusal to make payment by the borrower.

"Delinquency Status" - The failure of a borrower to make an installment payment when due, provided this failure persists for 30 days.

"Disbursement" - The process of transferring funds from the lender to the borrower. Educational Institutions participate in the Disbursement process.

"Educational Lender" - An educational institution which meets the lender eligibility criteria outlined in Section 2720.25.

"Federal Regulations" - Regulations promulgated by ED and codified at 34 CFR 668 and 682. (See: 51 Fed. Reg. 40886-1986).

"Holder" - An organization authorized by ED and ISAC to purchase or retain possession of Guaranteed Loans. These organizations operate as lenders or secondary markets and purchase ISAC Guaranteed Loans from approved lenders. ISAC's Illinois Designated Account Purchase Program (IDAPP) and the Student Loan Marketing Association (SLMA) are approved Holders.

"IDAPP" - The acronym for ISAC's Illinois Designated Account Purchase Program as authorized by the Education Loan Purchase Program Law. (Ill. Rev. Stat. 198789, ch. 122, par. 30-15.14a et seq.)

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1085)

"PLUS" - A Program which provides loans to Parents of certain students, as authorized by Section 428B of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-2) and the Higher Education Student Assistance Law. (Ill

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Rev. Stat. 198789, ch. 122, par. 30-15.10 et seq.)

"SLS" - The acronym for Supplemental Loans for Students Program, as authorized by Section 428A of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1078-1) and the Higher Education Student Assistance Law. (Ill. Rev. Stat. 198789, ch. 122, par. 30-15.10 et seq.)

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.10 Eligibility for ISAC Loan Guarantees

a) Applicants may apply for a loan guarantee by submitting an ISAC approved application form.

b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations, however, the borrower must be a Resident of the State of Illinois or a parent borrowing on behalf of a student enrolled at an approved institution located in Illinois. For purposes of this Part, a student-lean-Applicant borrower is considered an Illinois-resident eligible if the Applicant:

- 1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary Institution; or
 - 2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or
 - 3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled at least half-time at an approved postsecondary Institution; or
 - 4) is a qualified parent or legal guardian borrowing through the PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled on at least a half-time basis at an approved postsecondary Institution located in Illinois.
- c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.
- d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), Federal Regulations and of this Subpart.

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e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (§§ 20 U.S.C.A. 1078.)

f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.

1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.

Example: A student desires a Stafford Loan for a two semester period of enrollment beginning 8/20/87 and concluding 5/15/88. During the fall 1987 Term the student will be a sophomore and during the spring 1988 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 loan permitted sophomore borrowers.

2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. (See Section 484 of the Higher Education Act of 1965, as amended: (20 U.S.C.A. 1091).)

g) An applicant who previously received a Stafford, PLUS or SLS loan may be eligible for a subsequent loan provided that 211 days have passed from the beginning loan term date indicated on the previous loan request to the beginning loan term date on the new loan request.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.20 Lender Eligibility

a) Lender Agreement

1) All approved Lenders must execute an ISAC Lender Agreement prior to participating in the Stafford, PLUS, SLS and-unilean or consolidation loan programs.

2) Lenders must have received ED approval prior to executing a Lender Agreement.

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3) The Lender Agreement shall include provisions requiring Lenders to:

A) Comply with statutes, Federal Regulations, Rules, and procedures; and

B) Provide such information as ISAC may request relating to borrower demographics, collection records and other documents ISAC may need to comply with Federal Regulations. (See: Sections 2720.60(a) and 2720.70(c).)

4) Lenders and ISAC may agree to electronically transmit and receive data. ISAC shall provide the Lender with program documentation and reasonable technical assistance related to electronic data exchange. ISAC and the Lender shall agree that the information and data shall be confidential and shall not be used, disclosed, sold or shared for any purpose other than those directly related to the administration of ISAC's Guaranteed Loan programs.

5) Termination of the Lender Agreement may be made by either the Lender or ISAC with thirty (30) days written notice. Termination shall not affect any obligations incurred prior to the time such termination becomes effective.

b) Eligible Lenders shall employ an adequate number of qualified persons to administer its responsibilities under the ISAC Rules. In determining whether a Lender employs an adequate number of qualified persons, ISAC considers the number of students aided, the number of applications evaluated and the amount of funds administered.

c) In addition to the provision of subsection (a), the Lender Agreement for insurance companies approved as Lenders shall require:

1) advertising and promotional materials consistent with Section 761 of the Illinois Insurance Code (Ill. Rev. Stat. 198789, ch. 73, par. 761) and 50 Ill. Adm. Code 909;

2) compliance with Article XXVI of the Illinois Insurance Code (Ill. Rev. Stat. 198789, ch. 73, pars. 1028 et seq.).

d)-----Illinois educational institutions shall be approved as lenders by the Commission if approved by ED and meet the following requirements:

1)-----The specific materials and procedures for an Institution to follow in seeking approval as an eligible lender are:

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- A)-----An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA);--The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission;--The CPA firm must express an acceptable opinion on the statement; and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto;
- B)-----An institutional catalogue;--and a statement of the institution's educational costs and refund policies;
- C)-----A statement of the institution's default/delinquency experience as a lender in the Perkins Loan Program and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit the ISAC to solicit further data from ED or the institution's service agency; if any, with respect to such records;
- D)-----A statement which demonstrates the institution's administrative ability to comply with all servicing requirements of the program;
- E)-----Bank and other credit references and a release to permit ISAC to inquire of these references;
- F)-----A statement explaining the source of the institution's lending capital;
- G)-----A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years;
- H)-----Any other materials which might be requested by ISAC to show the institution's potential qualifications as a lender;
- 2)-----In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:
- A)-----Copy of its student contract;
- B)-----Description of its admission/sales staff and their functions;
- C)-----Statement of the institution's drop-out/completion rates;

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- B)-----Sample of the institution's advertising materials; and
- E)-----Description or copies of student complaints filed with the institution in the last two years;--In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the institution; a statement from the Better Business Bureau with regard to any consumer complaints; and a statement from the institution's accrediting association;
- 3)-----The applications for eligible lender status in the programs and the supporting documentation shall be reviewed by ISAC; ISAC staff shall inform applicant institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken;--The Applicant institution shall also be informed of the recommendation for its annual lending limit as well as any additions to the Lender Agreement which ISAC feels prudent in individual instances to protect the default record of ISAC;--The institution shall also be informed that if it is not in agreement with any ISAC recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections;--If the institution is approved by the Commission as a lender, ISAC will execute a Lender Agreement which will include:
- A)-----The institution's agreement to abide by the Rules of ISAC;
- B)-----A statement of agreement including, or referring to, the list of required activities of educational lenders labeled as Appendix A;
- C)-----A statement of agreement including, or referring to, the Federal Regulations with respect to loan disbursements and refund application;
- D)-----A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence"; and
- E)-----An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC;
- ed) A loan guarantee shall be cancelled if the lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense

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of reimbursing the Lender for the defaulted loan.

(e) ISAC conducts compliance reviews to determine if approved Lenders are complying with Federal Regulations, statutes and Rules.

(f) Lenders wishing to participate in ISAC guaranteed loan programs shall submit an application which shall include, but not be limited to: servicing/secondary market agreements; previous compliance and audit reviews conducted by other guarantors and the Department of Education; documentation relating to the percentage of student loans as compared to other installment loan portfolios; default rates; policy and procedures manuals; promotional materials; a statement relating to previous and anticipated loan volume; and other similar information relating to student loans requested by ISAC to show the Lender's qualifications for participation. Program participation will be determined by an examination of those materials and compliance with federal laws and regulations and state rules and statutes.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.25 Educational Institution Lender Eligibility

a) Educational Lenders must meet the eligibility requirements of Institutions as outlined in Section 2720.30. Institutional Eligibility, and must meet the eligibility requirements established for Lenders as outlined in Section 2720.20. Lender Eligibility.

b) Illinois educational Institutions shall be approved as Lenders by the Commission if approved by ED and if the following requirements are met.

1) The specific materials to be provided by an Institution in seeking approval as an eligible Lender are:

A) An audited, certified, and preferably unqualified annual financial statement prepared by a firm of certified public accountants (CPA). The statement must cover a period of no less than 12 months and be no more than 12 months old at the time of submission. The CPA firm must express an acceptable opinion on the statement, and the statement shall consist of no less than a balance sheet, a statement of profit and loss, and all attendant notes thereto.

B) An institutional catalogue, and a statement of the Institution's educational costs and refund policies.

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C) A statement of the Institution's default/delinquency experience as a Lender in the Perkins Loan Program and/or Federal Insured Student Loan (FISL) program (20 U.S.C.A. 1071 et seq.) and a release to permit ISAC to solicit further data from ED or the Institution's service agency, if any, with respect to such records.

D) A statement which demonstrates the Institution's administrative ability to comply with all servicing requirements of the program.

E) Bank and other credit references and a release to permit ISAC to inquire of these references.

F) A statement explaining the source of the Institution's lending capital.

G) A statement providing the amount of lending authority sought for the applicable fiscal year and an estimate of the lending volume expected in each of the two succeeding fiscal years.

H) Any other materials which might be requested by ISAC to show the Institution's potential qualifications as a Lender.

2) In addition to the above materials, a school which is organized on a for-profit basis will be requested to submit a:

A) Copy of its student contract;

B) Description of its admission/sales staff and their functions;

C) Statement of the Institution's drop-out/completion rates;

D) Sample of the Institution's advertising materials; and

E) Description or copies of student complaints filed with the Institution in the last two years. In addition to these materials, ISAC will secure a Dun and Bradstreet Report on the Institution, a statement from the Better Business Bureau with regard to any consumer complaints, and a statement from the Institution's accrediting association.

3) The applications for eligible Lender status in the Programs

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and the supporting documentation shall be reviewed by ISAC. ISAC staff shall inform the applicant Institution of its proposed recommendations to the Commission prior to the meeting at which action on the application will be taken. The Applicant Institution shall also be informed of the recommendation for its annual lending limit, as well as any additions to the Lender Agreement which ISAC feels are prudent in individual instances to protect the default record of ISAC. The Institution shall also be informed that if it is not in agreement with any ISAC recommendations, it is entitled to representation at the Commission meeting and will be allowed to state its objections. If the Institution is approved by the Commission as a lender, ISAC will execute a Lender Agreement which will include:

- A) The Institution's agreement to abide by the Rules of ISAC;
- B) A statement of agreement including, or referring to, the list of required activities of educational lenders labeled as Appendix A of this Part;
- C) A statement of agreement including, or referring to, the Federal Regulations with respect to loan Disbursements and refund application;
- D) A statement of agreement including, or referring to, the Federal Regulations definition of "due diligence"; and
- E) An expiration date of such lending contract which shall not be later than the end of the first full fiscal year following the negotiation of the contract, at which time its renewal shall be considered by ISAC.

c) A loan guarantee shall be canceled if the Educational Lender fails to comply with Federal Regulations, statutes, ISAC Rules, or procedures, provided such failure impairs ISAC's ability to recover the expense of reimbursing the Educational lender for the defaulted loan.

d) ISAC conducts compliance reviews to determine if approved Educational Lenders are complying with Federal Regulations, statutes and Rules.

(Source: Added at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.30 Institutional Eligibility

- a) Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary Institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible.
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed Loan Programs. (See: 34 CFR 668.12 et seq.)
- c) When an approved Institution has a change of ownership, location, or name as defined by Federal Regulations, the Institution's Program Participation Agreement is terminated. The Institution may have eligibility reinstated by the execution of new Program Participation Agreements with ED (See e.g.: 34 CFR 600.30 et seq.) and by the submission of a new application for participation with ISAC.
- d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED approved Origination Agreement, provided the agreement is on file with ISAC. (See: 34 CFR 682.601.)
- e) Approved Institutions shall provide ISAC with the current enrollment status of students the Institution certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.
- f) Approved Institutions must demonstrate the requisite administrative capability and financial responsibility, as defined by Federal Regulations. (See, e.g.: 34 CFR 668.13 et seq.)
- g) Vocational Institutions shall annually submit graduate employment data to ISAC, as required by 34 CFR 668.14.
- h) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-7) Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.
- i) Institutions wishing to participate in ISAC guaranteed loan programs shall submit an application which shall include, but not be limited to: documentation from the U.S. Department of Education (ED) and the

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State of Illinois demonstrating authorization to offer educational programs; previous audit and compliance reviews conducted by other guarantors and ED; proof of accreditation; financial statements; student catalogs; promotional materials; policy and procedure manuals; documentation relating to default and student withdrawal rates; and other similar information requested by ISAC to show the institution's qualifications for participation. Participation will be determined by an examination of those materials and compliance with federal laws and regulation and state statutes and rules.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee/disclosure statement and an application/promissory note form. All promissory notes must be in the form furnished or approved by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.
- b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.
- 1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.
- 2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.
- c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.
- d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.
- e) The application/promissory note must be signed in ink. Signature stamps shall not be used.
- f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.

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- 1) Notwithstanding the residency requirements of Section 2720.10(b), if a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loans(s) with that lender or a prior Lender, the following provisions apply:
 - A) A subsidized Stafford Loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed subsidized Stafford Loans.
 - B) A non-subsidized Stafford Loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed non-subsidized Stafford Loans.
 - C) A PLUS loan made by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed PLUS Loans made on behalf of the same student.
 - D) A SLS loan made issued by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed SLS Loans made by another commercial Lender.
 - E) A SLS loan issued made by an educational Lender will be guaranteed if the Lender is an educational Institution at which the borrower is currently Enrolled and the borrower has previously made a good faith effort to obtain a loan from a commercial Lender pursuant to federal regulations. (See 34 CFR 682.601 (1990).) not previously obtained a SLS Loan through a commercial Lender.
- 2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, the Lender shall sell all renewal loans to that same Holder no later than the last day of the third month of the grace period or no later than thirty days after the Lender became aware that the student ceased to be enrolled on at least a half-time basis. (See Section 2720.130(d).) a subsequent loan will be guaranteed provided:
 - (A) --- the renewal loan is issued by the same Lender that issued the previous loans; and
 - (BA) the Lender sells the renewal loan to the Holder prior to

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the ending loan term date: Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

- (B) A guarantee may be reinstated if, within 90 days of identifying that a loan in violation of subsection (f)(2) above, the Lender sells the loan to the eligible Holder who purchased the Applicant's previous loan(s).

- i) Initiation of the sale procedure within 90 days will retroactively reinstate the guarantee to the date the guarantee was lost due to a violation of subsection (f)(2) above, provided no other violation of federal regulation or State rule exists.
- ii) Failure to initiate the sale of the loan within 90 days of identifying the violation will result in loss of guarantee.

- 3) If a commercial Lender made the Applicant's previous ISAC-guaranteed loan(s), a subsequent loan will be guaranteed by ISAC provided the renewal loan is issued by the same commercial Lender that issued the previous loan(s).

- 34) The requirements of subsection (f)(1) above shall not apply if:

- (A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.
- (B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

- e) Co-maker and Co-signers

- 1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.

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- 2) The Lender shall not require a co-maker or co-signer on a subsidized Stafford Loan nor accept security for payment thereof.

- h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in Federal Regulations.
- b) Prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.
- c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all loans disbursements through submissions of the Student-Status Confirmation-Report Lender manifest.
- e) Stafford Loan and SLS loan proceeds shall be transmitted directly to the Institution. PLUS loan proceeds shall be delivered to the borrower by the Lender. The Lender shall notify the educational Institution of all PLUS Disbursements.

- 1) The student loan check shall be payable to the borrower unless the borrower has authorized, in writing, a co-payable loan check.
- 2) If the proceeds have not been disbursed to the borrower within ninety days after the conclusion of the Term, ISAC approval is required prior to Disbursement. Factors to be considered by ISAC in evaluating the borrower's Disbursement request include whether the delay in Disbursement was avoidable by the

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borrower, whether the borrower was familiar with the loan application process through prior ISAC borrowing, whether the borrower had difficulty locating a Lender willing to issue a loan, and other extenuating circumstances (e.g., death in the borrower's family).

- 3) If the borrower has withdrawn from enrollment and Federal Regulations require the Institution to submit a refund to the Lender, the refund shall be in the form of a check payable to the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.

- A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.

- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.

- C) The penalty interest shall be paid to the Lender or subsequent Holder.

- F) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder. If less than all outstanding notes are prepaid, the notes shall be prepaid in the order of their execution dates commencing with the earliest. Unless the borrower requests otherwise, in writing, any prepayment made thereon shall be credited wholly to the principal.

- G) The Lender or Holder shall send a repayment schedule and disclosure statement to a Stafford borrower no later than 30 days prior to the expiration of the borrower's grace period. The Lender or Holder shall send a repayment schedule and disclosure statement to a PLUS, SLS and unilean consolidation loan(s) borrower no later than 30 days prior to the due date of the first payment.

- H) The Lender or Holder shall notify ISAC of payment in full or prepayment in full by the borrower.

- I) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.

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- J) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations. The borrower(s) shall be responsible for submitting to the Lender a completed deferment agreement and any corresponding documentation.

- K) ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.

- L) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.55 Consolidation Loan/unilean Program

- A) ISAC shall guarantee consolidation loans through an activity known as the unilean program. All recipients must be eligible borrowers as defined by pursuant to Section 428C of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-3)

- B) Lenders may issue make unileans consolidation loans provided participation in the unilean consolidation loans Program is authorized by the Lender Agreement. (See: Section 2720.20(a).)

- 1) ISAC shall initially authorize a Lender to issue no more than \$5,000,000 in guaranteed unileans consolidation loans.

- 2) A Lender may receive additional increments of lending authority provided an ISAC compliance review indicates the Lender is complying with Federal Regulations, statutes and Rules. (See: Section 2720.20(f).)

- E) Lenders may structure a borrower's repayment schedule in any fashion which is permitted by Section 428C of the Higher Education Act of 1965, as amended.

- DC) Applicants may receive applications from Lenders or ISAC. All applications, promissory notes and disclosure statements shall be in the form furnished or approved by ISAC. Lenders shall report to ISAC when a unilean consolidation loan is made.

- ED) Lenders shall request preclaim assistance and reimbursement on

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uniflans consolidation loans in accordance with Sections 2720.60 and 2720.70.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.60 Preclaim Assistance

- a) ISAC functions in a supplementary role to assist the Lender or Holder in its collection of a loan that is at least 90 days delinquent. After requesting Preclaim assistance, the Lender or Holder shall continue to proceed with normal collection activity. The following information is requested, if available:

- 1) Name, social security number, and state driver's license number;
- 2) Employer's name and telephone number;
- 3) Home address and telephone number;
- 4) Identification of the problem;
- 5) Date and amount of each payment;
- 6) Loan amounts; and
- 7) Number of days delinquent.

- b) The request for preclaim assistance must be sent to ISAC no earlier than 80 days after the first date of delinquency and no later than 100 days after the date of delinquency.

- c) For one hundred or more accounts submitted at one time the request for preclaim assistance must be submitted on computer tape, in a format approved by ISAC, from which collection action can begin immediately.

- d) If a borrower's address is unknown, the Lender shall attempt to locate the borrower prior to requesting Preclaim assistance. These attempts shall include written and/or telephone inquiries to the Institution, the borrower at both the school and permanent address and the borrower's references.

- e) When a Lender files for preclaims assistance, that Lender is automatically filing for supplemental preclaims assistance (the collection assistance provided by ISAC after the loan is 120 days delinquent).

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.70 Reimbursement Procedures

- a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60

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days of the Lender's receipt of the borrower's loan cancellation request. Requests for default reimbursement must be submitted to ISAC no earlier than 180 days after the first date of delinquency and no later than 270 days after the date of delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal Regulations, from the default date to fifteen (15) days after the Illinois State Voucher is completed. On PLUS loans all co-makers must meet the default criteria contained in Federal Regulations.

- b) The Lender or Holder must request ISAC reimbursement for bankruptcy claim in accordance with Federal Regulations. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days of the Lender's receipt of notice that the loan is eligible for reimbursement. A copy of the restraining order and the appropriate papers should be included. On PLUS loans, all co-makers must meet the bankruptcy criteria.

- c) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection (f). Prior to reimbursement, the Lender must have remitted the insurance premium established by Section 2720.80.

- d) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrowers after default reimbursement and shall advise ISAC of any subsequent information received concerning the student. Prior to reimbursement, all original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "Paid in Full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.

- e) No fee or charge, other than the maximum interest rate prescribed by ED, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender, except that a delinquency charge is permitted on each installment for a period of not less than ten days.

- f) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. (See, e.g., 34 CFR 682.411.)

- g) ISAC shall collect the outstanding amount on the Guaranteed Loan. If the borrower refuses to retire the debt, ISAC shall litigate or assign the account to a licensed collection agency.

- h) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to

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the borrower. The funds offset shall be remitted to ISAC and credited against the debt.

- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
- 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See: 23 Ill. Adm. Code 2700.40(a)(2).)
- 3) ISAC shall notify a borrower of the possibility of an offset no less than fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
- 4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.80 Student Insurance Premium

- a) The ISAC charges each borrower an insurance premium on each Guaranteed Loan. The premium is collected by the Lender and must be remitted to the ISAC by the tenth day of the second month following Disbursement.
- b) The amount of the premium collected on each loan shall be no greater than 3 percent of the principal amount of the loan. The exact amount of the insurance premium shall be computed by the ISAC and disclosed to the borrower on the application/premises-note notice of guarantee/disclosure statement. The rate of the insurance premium shall be determined by resolution of the Commission. When establishing the rate of the insurance premium, the factors to be considered by the Commission include: the solvency of the Student Loan Revolving Fund, projected application volume, and the timeliness of payments from ED pursuant to the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1071 et seq.)
- c) No refunds of insurance premiums shall be made to the borrower after the check representing the proceeds of the loan has been endorsed by the borrower unless the loan check is returned uncashed to the Lender or the loan is repaid in-full within 120 days of disbursement.

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- d) The insurance premiums shall be deposited in the Student Loan Revolving Fund. In accordance with Federal Regulations, such proceeds may only be used to reimburse Lenders for defaulted Guaranteed Loans, or to pay administrative expenses of ISAC or to pay the reinsurance fee assessed by the Department of Education.

(Source: Amended at 16 Ill. Reg. 11224 effective July 1, 1992)

Section 2720.90 Guarantee Transfers

- a) ISAC may transfer loan guarantees to or from another guarantor, as specified in Section 428(b)(2)(E) of the Higher Education Act of 1965 (HEA), as amended (20 USC 1078(b) (1990)) provided:
 - 1) the loan guarantees are insured (see Section 428(b) of the HEA);
 - 2) an agreement has been entered into between ISAC and
 - A) the other guarantee agency.
 - B) an agent of the guarantee agency, who has been approved by the U.S. Secretary of Education, or
 - C) the U.S. Secretary of Education.
 - 3) the transfer has been approved by the Holder of the loan.
- b) Notwithstanding any provision of Section 2720.40(f), regarding all loans being held by one Holder, a loan guarantee may be transferred to ISAC from another guarantee agency.
- c) Notwithstanding any provisions of Section 2720.10, regarding residency requirements for eligible borrowers, a loan guarantee may be transferred to ISAC from another guarantee agency.

(Source: Added at 16 Ill. Reg. 11224, effective July 1, 1992)

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section 2720.105 Summary and Purpose

- a) The Commission provides a secondary market for ISAC Guaranteed Loans through the Illinois Designated Account Purchase Program (IDAPP). ISAC's secondary market reduces the administrative expenses of Lenders and increases the availability of Guaranteed Loans.

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- b) The Illinois Designated Account Purchase Program (IDAPP) purchases eligible loans from IDAPP eligible Lenders. Sales to ISAC are conditional upon the execution of a contract between the eligible Lender and ISAC, and the eligible Lender's good faith compliance with the contract.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.120 IDAPP Eligible Loans

- a) Original Contract Program

1) ISAC will purchase Stafford Loans which are no more than 90 days delinquent on installments of principal or interest and Stafford Loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.

2) Under this program ISAC will also purchase Stafford Loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the Lender.

3) All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.

b) The Lender must be in compliance with Federal Regulations and ISAC Rules up to the date of the sale. ISAC will decline to purchase any account if the Lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.

c) If a Lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (non-delinquent) and has an outstanding balance of at least \$3,500.

d) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original Lender must agree to make the renewal loan to the borrower with the understanding that such loan will be purchased by ISAC to consolidate the student's indebtedness. (See: Section 2720.40(f)(2).)

- e) Default Prevention Program

1) In cases where a Lender executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of Guaranteed Loans specified in

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subsection (e)(2) below. All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

2) ISAC will purchase the following additional types of Guaranteed Loans:

- A) all deferred loans other than unemployment deferrals;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed to respond to the Lender's written inquiry;
- D) loans from graduate student borrowers; and
- E) loans that do not fall under any preceding criteria classification.

f) Upon the sale of an account to ISAC, the Lender shall report the transfer of ownership to the credit reporting agency utilized by the Lender. The Lender shall not adverse the borrower's credit rating.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.130 IDAPP Eligible Lenders

a) Prior to submitting accounts for purchase, the lender and ISAC must execute an IDAPP contract. The contract requires lenders to comply with statutes, Federal Regulations, Rules and procedures.

b) ISAC will purchase loans only from those lenders who have no inappropriate relationships with the educational Institutions certifying the loan. An inappropriate relationship includes, but is not limited to, fiscal or loan service arrangements between commercial lenders and Institutions which are not permitted by law or Federal Regulation; [34 CFR 682.205 (1985)]; and/or of such nature that all educational Institutions or all lenders under similar circumstances would not receive similar terms, conditions, or services from the lender.

c) If it appears that the lender has violated one or more of the ISAC Rules, in the handling of any account, and if such violation contributed to the delinquent status of the account, the ISAC will decline to purchase the account.

d) The lender aware date of delinquency will be:

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- 1) Date lender received notice from school, borrower or ISAC, that the borrower has a revised last date of attendance;
- 2) Date returned mail from a borrower(s)' address was received;
- 3) Date information is received from borrower(s), student, spouse, or Parent that repayment will not be forthcoming; or
- 4) Maturity date of Note, deferment, or payment due and not paid date.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

SUBPART C: ISAC ORIGINATED LOANS

Section 2720.200 ISAC Originated Consolidation Loans

- a) ISAC shall serve as a direct Lender of consolidation loans in accordance with Section 2720.55.
- b) All recipients of a consolidation loan must be an eligible borrower as established by Section 428C of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078-3.) Subject to the availability of funds, no eligible borrower shall be denied a consolidation loan by ISAC.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720.210 Illinois Opportunity Loan Program

- a) ISAC shall serve as a direct lender of non-subsidized Stafford Loans through an activity known as the Illinois Opportunity Loan Program.
- b) Each recipient of an Illinois Opportunity Loan must be an eligible borrower as established by Section 428 et seq. of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1078 et seq.)
- c) In addition to the eligibility criteria established by federal law for all Stafford loan borrowers, each recipient must satisfy the following requirements to receive an Illinois Opportunity Loan.
 - 1) Each borrower must be a Full-time student who is Enrolled in a degree program. The borrower must be classified at an Academic Level of sophomore or above in the degree program. The Institution shall verify the borrower's enrollment status prior to disbursement.

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- 2) Each borrower must be a Resident of Illinois. For purposes of this Part, an Applicant for an Illinois Opportunity Loan is a Resident of Illinois notwithstanding the Applicant's temporary absence from the State in order to enroll at an out-of-state Institution.
- 3) The Illinois Opportunity Loan Program shall have a minimum loan size of \$1000 per Academic Year.
- 4) No Applicant may receive an Illinois Opportunity Loan if the total student assistance available to the borrower would exceed the borrower's cost of attendance. No Applicant may receive an Illinois Opportunity Loan unless the Institution's financial aid administrator determines the borrower needs an Illinois Opportunity Loan to finance his/her education. See, e.g. Title IV, Part F of the Higher Education Act of 1965, as amended. (See 20 U.S.C.A. 1087 kk et seq.)
- d) The receipt of an Illinois Opportunity Loan by an eligible borrower is subject to the availability of lending capital. To the extent necessary to avoid an overcommitment of funds, ISAC may determine Applicant eligibility on the basis of an application receipt date: or the term of study for which the loan is being requested, or both.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

Section 2720. APPENDIX A Required Activities of Educational Lenders

1. The educational lender must act as a "lender of last resort" and demonstrate such capacity by requiring each inquiring borrower to first seek loans from other eligible lenders.
2. The educational lender shall be subject to subsection 2720.40(f)(1)(E).
3. The educational lender must agree not to use in written materials or personal interviews any phraseology which would tend to devalue the seriousness of a borrower's indebtedness and its accompanying responsibilities.
4. The educational lender must agree that each borrower shall receive a personal interview with an employee of the Institution who is not associated with any admissions or recruitment function and who deals with the borrower solely on loan and credit matters, assuring that the borrower does not identify that person in any way with student grants or other forms of aid.
5. The educational lender must agree to conduct an exit interview

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with each borrower when (s)he terminates enrollment.

6. The educational lender must verify continued attendance of the borrowers.
7. The educational lender must agree to comply with the Disbursement and refund policies set forth in Federal Regulations.
8. The educational lender must contract for the servicing and collection functions of its portfolio with a professional student loan service corporation or the educational lender must demonstrate that it has staff and facilities to service its own student loans.
9. The educational lender must agree that during the repayment periods of its borrowers, the borrowers shall be eligible for a deferment or forbearance of principal repayment for a reasonable period of time, not to exceed one year without permission of the guarantor, during periods of extreme financial hardship caused by unemployment, illness, etc.
10. The educational lender must agree to allow the borrower to select the equal monthly payment which, within statutory boundaries, would best suit his/her needs.
11. The educational lender may not pledge the notes evidencing these borrower loans as security or collateral except to another lender approved by ISAC, and then, only by prior permission in each instance. Permission must be requested in writing and permission granted in writing.

(Source: Amended at 16 Ill. Reg. 11224, effective July 1, 1992)

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- 1) The Heading of the Part: Illinois National Guard Grant
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section numbers: Adopted Action:
2730.5 amendment
2730.10 amendment
2730.20 amendment
- 4) Statutory Authority: Implementing and authorized by The National Guard Scholarship Act (Ill. Rev. Stat. 1989, ch. 129, pars. 421 et seq.)
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
March 20, 1992, 16 Ill. Reg. 4416
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
There were no substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following

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substantive amendment. Section 2730.20(h) now clarifies that recipients cannot be held responsible for paying the difference between in-state and out-of-state tuition or in-district and out-of-district tuition in this entitlement program. As stated in the summary and purpose of this Part, if appropriated funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution. Additionally, obsolete references to the Naval Militia were deleted throughout this Part since it no longer exists in Illinois.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2730

ILLINOIS NATIONAL GUARD GRANT

Section	Summary and Purpose
2730.5	Applicant Eligibility
2730.10	Program Procedures
2730.20	

AUTHORITY: Implementing and authorized by The National Guard Scholarship Act (Ill. Rev. Stat. 1989, ch. 129, pars. 421 et seq.)

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992.

Section 2730.5 Summary and Purpose

a) Eligible recipients are entitled to an exemption from payment of Tuition and certain fees at public postsecondary institutions as described in this Part. If funds appropriated for the Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution.

b) This Part establishes Rules which govern the National Guard/Naval Militia Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. 11254, effective July 1, 1992)

Section 2730.10 Applicant Eligibility

a) Students must file an application annually indicating the Institution to be attended. Application deadlines are specified in subsection 2730.20(d).

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- 1) Eligible Applicants will receive an Eligibility Letter from ISAC each Academic Year following the filing of the application. This letter must be delivered to the educational Institution at which the student is Enrolled. Ineligible Applicants will receive a written notification from ISAC of their ineligibility to receive program benefits.
- 2) ISAC verifies application data in consultation with the Illinois Department of Military Affairs in the process of when reviewing an application data.
- b) Applicants must have served for at least one year in the Illinois National Guard. Eligibility is available to any enlisted person or any company grade officer including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard.
- c) Fees exempted by this program are limited to Tuition, registration, graduation, and general activity fees. Fees for which the recipient remains financially responsible include: book rental, laboratory, air flight, health insurance, room and board, parking, union, supply, hospital, athletic, and proficiency exams.
- d) Recipients must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- e) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement.
- f) Benefits may be used at Illinois public senior universities and at any Illinois public community college.
- g) If a student is eligible for both National Guard and MAP, the National Guard benefits must be used first. A student cannot decline a National Guard Grant in favor of using MAP.

(Source: Amended at 16 Ill. Reg. 11254, effective July 1, 1992)

Section 2730.20 Program Procedures

a) Payment Request

- 1) The Institution must request from each Applicant a valid Illinois National Guard or Naval-Military Grant Eligibility Letter. The Institution must maintain two ISAC payment certification forms which certify the Applicant's:
 - A) Social Security Number;
 - B) name;

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- C) enrollment;
- D) grant amount; and
- E) Satisfactory Academic Progress.
- 2) One sheet is to be returned to ISAC for payment and the other retained by the Institution for record and audit purposes.
- b) Within the constraints of appropriation levels, two semester or three quarter Term payments and one summer Term payment are paid directly to the Institution after it officially certifies to ISAC that the Applicant has registered and is attending classes. No seminars or other special Terms are covered under the grant. Summer Term is considered the final Term of the Academic and fiscal Year.
 - 1) Payment certification forms will be mailed each Term to the Institution no earlier than the application deadline date for that Term. Payment certification forms must be returned no later than thirty (30) days after they have been mailed to the Institution by ISAC. Supplemental certification forms must be submitted to ISAC no later than forty-five (45) days after the original payment certification form was mailed to the Institution with the exception of summer Term supplements which must be submitted by the same deadline as the original payment certification for summer Term. All certification forms received by ISAC after the designated dates will be paid or prorated during the fiscal lapse period (July 1 through September 30 following the conclusion of the fiscal year).
 - 2) Claims will be paid as follows:
 - A) First semester and first quarter claims received by the designated deadline date will be paid or prorated, if funding is insufficient to pay all claims in full.
 - B) If funds remain after first semester and first quarter claims are paid, then second semester and second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.
 - C) If funds still remain after the preceding claims are paid, summer Term claims received by the designated deadline date will be paid, or prorated, if remaining funds are insufficient to pay all summer claims in full.
 - D) In the event that funds are not exhausted by summer Term payments, claims received after the designated deadline dates will be paid or prorated.

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E) If funds are still available when the preceding claims have been paid in full, ISAC will use remaining funds to pay or prorate claims for the balance of non-residents' Tuition for recipients who live out-of-state or out-of-district.

c) Changes of address, name, status with the Guard, or Institution of attendance must be reported in writing to ISAC. Verification of receipt of changes sent to ISAC will be mailed directly to the Applicant address recorded with ISAC.

d) Applicants must file an application each Academic Year indicating the Institution to be attended. No payment will be authorized for any Applicant until a current application is on file. The deadline for application will be October 1 for first Term, March 15 for second semester/second and third quarter, and July 1 for the summer Term. Institution of attendance changes must also be reported by these dates.

e) Eligible recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.

1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will be terminated.

3) In the event that the recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws

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from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.

4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of total faculty contact hours.

f) If a current year Applicant is discharged or has membership extended by the Guard/Militia, ISAC will send a revised eligibility letter or ineligibility letter to the Applicant. In the case of discharges, a copy of the letter will be sent to the Institution of record.

g) If a recipient ceases to be a member of the Guard/Militia in mid-term, benefits are terminated and the recipient is responsible for the costs attributed to the remainder of the Term. If an Applicant becomes eligible in mid-term, in accordance with Section 2730.10(b), benefits will be prorated for that portion of the Term for which the Applicant is eligible, provided the application is submitted by the deadlines established in subsection (d). Costs are prorated on the basis of the Institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

h) Out-of-state residents will receive Tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois Institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.

i) Payments on behalf of a recipient will be made to only one Institution per Term. For any Institution that has Concurrent Registration opportunity the same payment policy will be in effect as that used in the Monetary Award Program. (See: 23 Ill. Adm. Code 2735.70(d).)

(Source: Amended at 16 Ill. Reg. 11254, effective July 1, 1992)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers: Adopted Action:
 2733.10 amendment
 2733.20 amendment
 2733.30 amendment
- 4) Statutory Authority: Implementing Section 30-15.7d and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.4(f) and 30-15.7d).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
 March 20, 1992, 16 Ill. Reg. 4423
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
 Two substantive changes were made in response to public comments. Section 2733.20 was modified so that it agreed with the addition that was made to Section 2733.30 (d) (5). Subsections (d) (4) and (5) of Section 2733.30 were amended to allow for the payment of out-of-district tuition for recipients who are not eligible for chargebacks, provided funds are available to pay such claims. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendment. Section 2733.20(f)(3) now clarifies that recipients cannot be held responsible for paying the difference between in-district and out-of-district tuition in this entitlement program. As stated in the summary and purpose of this Part, if appropriated funds are insufficient to reimburse educational institutions for all eligible recipients, the obligation to pay is transferred to the educational institution.
- 16) Information and questions regarding these adopted rules amendments shall be directed to:
 Mr. Larry E. Matejka
 Executive Director
 Illinois Student Assistance Commission
 106 Wilmet Road
 Deerfield, IL 60015
 (708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10 Summary and Purpose

2733.20 Grant Eligibility

2733.30 Program Procedures

AUTHORITY: Implementing Section 30-15.7d and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.4(f) and 30-15.7d).

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991 for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992 for a maximum of 150 days; amended at 16 Ill. Reg. 11261, effective July 1, 1992.

Section 2733.10 Summary and Purpose

- a) Eligible recipients are entitled to an exemption from payment of Tuition and certain fees at public postsecondary Institutions as described in this Part. If appropriated Illinois Student Assistance Commission (ISAC) funds are insufficient to reimburse educational Institutions for all eligible recipients, the obligation to pay is transferred to the educational Institution.
- b) This Part establishes Rules which govern the Illinois Veteran Grant (IVG) Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. 11261, effective July 1, 1992)

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Section 2733.20 Grant Eligibility

- a) A recipient must have been designated a Qualified Veteran. (See: Section 2733.30(a).)
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) A recipient must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.
- e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.

f) Fees Exempted by the IVG

- 1) The recipient is exempted from paying most fees including:

- A) Tuition and other instructional fees;
 B) activity, air flight and athletic fees;
 C) matriculation, service and other registration-type fees;
 D) off-campus and other extension course fees;
 E) application fees;
 F) graduation and transcript fees;
 G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
 H) health insurance fees.

- 2) The recipient is responsible for payment of the following fees:

- A) book rental fees;
 B) laboratory and supply fees;
 C) student union fees; and
 D) fees for the operation, maintenance, rental or equipping of any building or facility.

- 3) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate, unless sufficient funds are available to pay benefits in accordance with Section 2733.30(d)(5) of this Part. Recipients shall not be responsible for paying the difference between in-district and out-of-district tuition.

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- g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours, will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

- 3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.

- 4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of faculty contact hours.

- h) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to September 6, 1992.

- i) If a student is eligible for both IVG and MAP, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.

(Source: Amended at 16 Ill. Reg. 11261, effective July 1, 1992)

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Section 2733.30 Program Procedures

- a) Applicants must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

1) Definition of "Qualified Veteran"

- A) Any person who served in the Armed Forces of the United States who:

- i) at the time of entering service was an Illinois resident or was an Illinois resident within 6 months prior to entering such service; and
- ii) who after leaving service returned to Illinois within 6 months; or
- iii) if married to a person in continued military service stationed outside Illinois, returned to Illinois within 6 months after his or her spouse's discharge; or
- iv) if married to a person in continued military service, applies for this grant program within 6 months of his or her spouse being stationed within Illinois.

- B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

- C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.

- D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:

- i) the Veteran was honorably discharged from such service for medical reasons directly connected with such service; or
- ii) the Veteran was honorably discharged prior to August 11, 1967; or

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iii) the Veteran was honorably discharged from such service and has at least nine months of active duty, part of which includes service in the Persian Gulf during Operations Desert Shield or Desert Storm.

2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard/militia are not eligible for assistance.

3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

A) Applicants should submit a copy of their Report of Separation (Form DD 214) with their application.

B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides, the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the Enlistment Contract (Form DD4) and a letter from the commanding officer. The letter must indicate the Applicant is a member of the Armed Forces at the time of application.

4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may establish Illinois residency in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (f)(3). The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program.

5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(C), such designation shall expire upon discharge from the Armed Forces.

b) Qualified Veterans shall be issued a notice of eligibility. To

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receive an Illinois Veteran Grant, Applicants must submit a copy of their notice of eligibility to the Institution within three months following the last scheduled day of classes for the Term for which a grant is requested. Qualified Veterans who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of their IVS ID card to the Institution.

c) Institutions shall submit a payment request to ISAC. The deadlines for submission of a complete payment request shall be October 15 for summer Terms; February 15 for first Term; and June 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20.

d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.

1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.

2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.

3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.

4) If funds remain after second semester/second and third quarter claims are paid, in the event that funds are not exhausted, claims received by ISAC after the designated deadline dates will be paid or prorated.

5) In the event that funds are not exhausted, claims for the difference between in-district and out-of-district tuition will be paid when the recipient(s) does not qualify for a charge-back, or prorated if funds remaining are insufficient to pay all such claims in full.

(Source: Amended at 16 Ill. Reg. 11261, effective July 1, 1992)

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- 1) The Heading of the Part: Limitation, Suspension and Termination Proceedings

- 2) Code Citation: 23 Ill. Adm. Code 2790

- 3) Section numbers: Adopted Action:

2790.10	amendment
2790.20	amendment
2790.30	amendment
2790.40	amendment
2790.50	amendment
2790.60	amendment
2790.70	amendment
2790.80	amendment
2790.90	amendment
2790.100	amendment
2790.110	amendment
2790.120	amendment
2790.130	amendment
2790.140	amendment
2790. Appendix A	repealed

- 4) Statutory Authority: Implementing and authorized by Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.) and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq. (1990)).

- 5) Effective Date of Rule(s) Amendments: July 1, 1992

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this amendment contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: June 19, 1992.

- 9) Notice(s) of Proposal Published in Illinois Register:

March 20, 1992, 16 Ill. Reg. 4431

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.

- 11) Difference(s) between proposed and final version:

There were no substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for

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clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments: Section 2790.10(e) contains a provision excluding administrative actions by other state educational agencies from the requirements of this Part. Those proceedings would affect an institution's ability to offer educational programs within Illinois. Authorization to offer educational programs in Illinois is a condition precedent to participating in any ISAC-administered financial aid programs. Appendix A was implemented last year during a comprehensive rewrite of this Part. ISAC's experience over the past year caused the agency to reassess the feasibility of a penalty matrix and led to its repeal. The matrix did not include every possible violation of federal regulations or state rules. The matrix defeated its purpose when offenses were not listed and when there was no corresponding penalty for those violations. Emergency amendments would have become commonplace if ISAC had kept the matrix and added to it as new infractions were discovered. Further, the text of this Part sufficiently advises respondents of potential penalties and a matrix format is not necessary.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2790

LIMITATION, SUSPENSION, OR AND TERMINATION PROCEEDINGS

Section	Summary and Purpose
2790.10	Definitions
2790.20	Informal Compliance Procedures and Pre-Hearing Conferences
2790.30	Emergency Action
2790.40	Suspension Proceedings
2790.50	Limitation or Termination Proceeding
2790.60	Recommended and Final Decisions
2790.70	Verification of Mailing and Receipt Dates
2790.80	Limitation
2790.90	Termination
2790.100	Payment Period
2790.110	Reimbursements, Refunds, Offsets and Penalties
2790.120	Reinstatement After Termination
2790.130	Hearings
2790.140	
2790.150	APPENDIX A Matrix (Repealed)

AUTHORITY: Implementing and authorized by Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.) and the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq. (1990)).

SOURCE: Adopted at 6 Ill. Reg. 11638, effective September 13, 1982; codified at 7 Ill. Reg. 9926; amended at 9 Ill. Reg. 20836, effective January 1, 1986; amended at 11 Ill. Reg. 3214, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1790 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2790 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17861; amended at 15 Ill. Reg. 14264, effective September 23, 1991; amended at 16 Ill. Reg. 11269, effective July 1, 1992.

Section 2790.10 Summary and Purpose

- a) This Part establishes rules for the Limitation, Suspension, or Termination of an otherwise eligible Institution or Applicant participating in any or all of the student assistance programs administered by the Illinois Student Assistance Commission (ISAC). These rules apply to an Applicant who and an Institution which violates the provisions of the statutes, Rules, Regulations, special arrangements, agreements, or Limitations set forth in Lender Agreements or Program Participation Agreements and the Higher

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Education Act of 1965, as amended (20 USCA 1070 et seq. (1990)), including but not limited to: the provisions dealing with the Guaranteed Student Loan Programs (20 USCA 1071 (1990)); Need Analysis (20 USCA 1987kk (1990)); General Provisions Relating to Student Assistance Programs (20 USCA 1088 (1990)); Teacher Scholarships and Fellowships (20 USCA 1111 (1990)); and the regulations of the Secretary of Education relating to student assistance programs, under the Higher Education Act of 1965, as amended, including but not limited to: Institutional Eligibility (34 CFR 600 (1990)); Paul Douglas Teacher Scholarship Program (34 CFR 653 (1990)); Student Assistance General Provisions (34 CFR 668 (1990)); Guaranteed Student Loan and PLUS Programs (34 CFR 682 (1990)); and the State Student Incentive Grant Program (34 CFR 692 (1990)).

- b) This Part establishes Rules which govern the Limitation, Suspension, or Termination Proceedings. Additional Rules and definitions are contained in General Provisions, 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

- c) The purpose of this Part is to protect the integrity of the programs and to guard against losses on behalf of the Applicant, the Lender, the School, ISAC or the Federal Government.

- d) ISAC's failure to invoke the provisions contained in this Part does not, however, automatically imply compliance or lessen an Applicant's or an Institution's obligation to follow federal or state rules and regulations governing scholarships, grants and loan programs. Any Action taken under this Part will not affect an Applicant's or an Institution's responsibility to fulfill the requirements of the Higher Education Act, federal regulations or ISAC policies and procedures applicable to outstanding scholarships, grants, and loan programs. Further, any Action taken under this Part will not affect an Applicant's or an Institution's rights, if any, to benefits or payments that are based on prior participation in the programs.

- e) This Part does not apply to:

- 1) a determination that an Institution fails to meet the definition of an Institution of higher education, as defined in 20 USCA 1085(b) (1990); a vocational school, as defined in 20 USCA 1085(c) (1990); or a Lender, as defined in 20 USCA 1085(d) (1990);
- 2) a determination of a School's loss of eligibility by the Secretary of Education due to its default experience (See Section 3004 of the Omnibus Budget Reconciliation Act of

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1990; (P.L. 101-508)); or

- 3) any administrative action taken by the U.S. Department of Education against a lender (34 CFR 682.700-682.711 (1990)); an educational institution (34 CFR 668.81-668.97 (1990)); or an individual (34 CFR 85.300-85.420 (1990)); or

- 4) any administrative action taken by the Illinois Department of Professional Regulation, the Illinois State Board of Education, or the Illinois Board of Higher Education terminating, suspending or limiting an educational institution's authority to offer educational programs within the State of Illinois.

In any such case, ISAC shall terminate the participation of the institution by sending notice of such termination, certified mail return receipt requested, as outlined in (see Section 2790.80).

- f) This Part incorporates by reference the corresponding applicable federal regulations, namely Limitation, Suspension or Termination of Lender Eligibility Under the Guaranteed Student Loan Program and the PLUS Program (34 CFR 682.700 - 682.711 (1990)), Fine, Limitation, Suspension and Termination Proceedings as applied to educational institutions: (34 CFR 668.81 - 668.97 (1990)), and Debarment and Suspension proceedings as applied to persons (34 CFR 85.300 - 85.420 (1990)).

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.20 Definitions

"Action" - An administrative proceeding conducted under this Part.

"Administrative Error" - Conduct resulting in the loss of a loan guarantee, creating a financial liability, or resulting in a refund due ISAC or the U.S. Department of Education, including but not limited to: overbilling interest, failing to cancel loans on a timely basis, failing to make timely refunds, overbilling of interest subsidy and special allowance, due diligence violations in making, disbursing, and servicing loans or conduct resulting in obtaining scholarship and/or grant funds for which the institution or applicant is not entitled.

"Admonishment" - A written reprimand which warns the institution or applicant that a repeat of the same offense will be subject to a penalty of greater severity. Admonishments shall be a matter of public record and may be imposed in lieu of a more severe sanction.

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"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Borrower" - A student or parent to whom a Stafford, PLUS, SLS, or IOP loan is made.

"Funds" - Any money, commitments, to provide money, and commitments of insurance or reinsurance provided under any or all programs.

"Hearing Officer" - An impartial person, appointed by the Executive Director of ISAC, or the Executive Director's designee, with no prior involvement with the facts giving rise to the Limitation, Suspension or Termination action, who is either:

an attorney who has been admitted to practice law in Illinois for at least five (5) years preceding appointment by the Executive Director and possesses those additional qualifications as are necessary to obtain appointment as an arbitrator pursuant to Section 2-1003(A) of the Mandatory Arbitration System in Illinois (Ill. Rev. Stat. 1989, ch. 110, par. 2-1003A); or

a person who is an arbitrator qualified by the American Arbitration Association; or

any other person who meets the qualifications for the position of Administrative Law Judge for the Federal Government.

"Institution" - For purposes of this Part, any educational or lending institution which participates in any ISAC program(s).

"ISAC Official" - An official of ISAC to whom the Executive Director has delegated the responsibility of initiating and pursuing an action under this Part.

"Lender" - Defined by Section 435 of the Higher Education Act of 1965, as amended (20 USCA 1085(d) (1990)).

"Limitation" - The continuation of an Applicant's or an Institution's eligibility for any or all programs subject to compliance with special conditions or restrictions which have been established by ISAC as necessary for the Institution's initial or continued participation in ISAC programs.

"School" - An institution eligible to participate in the programs established by the Higher Education Act of 1965, as amended, including an institution of higher education (as defined in 34 CFR 600.4 (1990)), a proprietary institution of higher education (as

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defined in 34 CFR 600.5 (1990)), a postsecondary vocational Institution (as defined in 34 CFR 600.6 (1990)), and a vocational school (as defined in 34 CFR 600.7 (1990)).

"Suspension" - The removal of an Applicant's or an Institution's eligibility for any or all ISAC programs for a specified period of time or until the problem that initiated the limitation, Suspension or Termination proceedings is resolved.

"Termination" - The unqualified removal of an Applicant's or an Institution's eligibility for any or all programs for an indefinite period of time, but in no event less than 18 months.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.30 Informal Compliance Procedures and Pre-Hearing Conferences

a) If the Executive Director receives a complaint or other information which the Executive Director believes to be reliable, indicating that an Applicant or an Institution is, or may be, in violation of applicable laws, Regulations, special arrangements, agreements, Rules, or Limitations, the Executive Director may call the matter to the attention of the Applicant or the Institution and may provide a reasonable opportunity to:

- 1) respond to the complaint or other information;
- 2) show that the matter has been corrected; or
- 3) submit an acceptable plan to correct the violation and prevent its recurrence.

b) The procedures provided in this Part for Suspension, Limitation, or Termination need not be delayed during the informal compliance procedure if the Executive Director believes the:

- 1) delay would have an adverse effect on any or all programs administered by the ISAC; or
- 2) informal compliance procedure will not result in a correction of the alleged violation.
- c) The purpose of a pre-hearing conference is to allow the parties to settle or narrow the dispute.
- 1) The pre-hearing conference may be convened at the request of

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ISAC, the affected Applicant or Institution, or the Hearing Officer.

2) The scope of a pre-hearing conference is to discuss matters relating to the proposed action including settlement without a hearing, or the narrowing of legal or factual issues to be resolved at the hearing.

3) The pre-hearing conference is not subject to any procedural requirements except as may be mutually agreed upon by ISAC, the Applicant, and/or the Institution.

4) The pre-hearing conference may be held in any manner, including telephone conference call, an informal meeting, or written submission of materials from the Applicant or the Institution to the ISAC Official.

5) As a result of the pre-hearing conference, the ISAC Official and the Applicant or the Institution may enter into a pre-hearing agreement whereby both the ISAC Official and the Applicant or the Institution stipulate in writing, signed by the parties, to certain facts, points of law, regulations, or policies and procedures.

6) The Executive Director and the Applicant or the Institution may enter into a written consent agreement which fully or partially settles the dispute between the parties. The consent agreement may specify that any pending hearing shall be cancelled.

7) A violation of any of the provisions of the consent agreement shall constitute the basis for a Termination Action against an Applicant or an Institution.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.40 Emergency Action

a) The Executive Director may take emergency Action to withhold Funds from an Applicant or an Institution or its associated students, and to withdraw the authority of an Applicant or an Institution to participate in ISAC administered programs if the Executive Director:

- 1) receives information which he believes to be reliable that an Applicant or an Institution is in violation of applicable laws, Regulations, Rules, special arrangements, agreements, or Limitations which had been previously established;

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- 2) determines that such Action is necessary to prevent the likelihood of substantial loss of Funds to the State, to ISAC, to the U.S. Department Education, to Borrowers, or to the students associated with the Institution; and
- 3) determines that the likelihood of loss requires immediate Action prior to completion of the procedures set forth in this Part for Limitation, Suspension, or Termination.

b) The Executive Director begins an emergency Action by notifying the Applicant or the Institution, by certified mail with return receipt requested, of the Action and the basis for the action on which it is taken. The effective date of the Action is the date on which the notice is received by the Applicant or the Institution. The notice shall state:

- 1) the basis of the emergency Action;
- 2) the consequences of the emergency Action to the Applicant or the Institution;
- 3) that the Applicant or the Institution may request an opportunity to show cause why the emergency Action is unwarranted; and
- 4) that the failure to request an opportunity to show cause why the emergency Action is unwarranted, at least 5 days within the effective date, is a waiver of that right.

c) An emergency Action shall not exceed 30 days unless a Limitation, Suspension, or Termination proceeding is begun under this Part before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission.

d) An emergency Action may be terminated upon the Executive Director's verification that the Applicant or the Institution has corrected all violations on which the emergency Action was based. Verification includes, but is not limited to, submitting documentation showing that the violation(s) has been corrected or submitting an acceptable plan for correcting the violation(s) and preventing a recurrence(s).

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.50 Suspension Proceedings

- a) Scope and Consequences: From its effective date, a Suspension removes an Applicant's or an Institution's eligibility for any or

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all ISAC programs for a period of time not exceeding 60 days unless the:

- 1) Applicant or the Institution and the Executive Director agree to an extension; or
- 2) Executive Director begins a Limitation or Termination proceeding.

b) Procedures: The Executive Director begins a Suspension proceeding by sending a notice to an Applicant or an Institution by certified mail with return receipt requested. The notice must:

- 1) inform the Applicant or the Institution of the intent of the ISAC to suspend the Applicant or the Institution's eligibility, cite the consequences of that action, as outlined in the Matrix--(See-Appendix-A) and identify the alleged violations which constitute the basis for the action;
- 2) specify the proposed effective date of the Suspension, which shall be at least 20 days after the date of mailing of notice of intent;
- 3) inform the Applicant or the Institution that the Suspension will be effective on the date specified in the notice unless the Executive Director receives, at least 5 days before the proposed effective date, a request for a hearing or written material indicating why the Suspension should not take place;
- 4) invite voluntary efforts to correct the violation(s) which led to the commencement of the action; and
- 5) inform the Applicant or the Institution that the failure to request a hearing will be deemed a waiver of that right.

c) If the Applicant or the Institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the Applicant or the Institution that the:

- 1) proposed Suspension is dismissed; or
- 2) Suspension is effective as of a specified date.

d) Notice of Suspension will be promptly mailed to the Applicant or the Institution. The Suspension takes effect either upon the date on which the notice is received by the Applicant or the Institution or the originally proposed effective date stated in the notice of intent, whichever is later.

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- e) A Suspension shall not exceed 60 days unless a Limitation or Termination proceeding is begun under this Section before the expiration of that period. In such case, the period may be extended until the completion of that proceeding, including any appeal to the Commission. (See Section 2790.70, Recommended and Final Decisions.)
- f) If the Applicant or the Institution requests a hearing, at least 5 days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.60 Limitation or Termination Proceeding

- a) Scope and consequences: From its effective date, a Limitation or Termination shall either:

- 1) result in Limitations on an Applicant's or an Institution's eligibility; or
- 2) end the eligibility of an Applicant or an Institution for any or all programs administered by ISAC.

- b) Procedures: The Executive Director begins a Limitation or Termination proceeding, whether or not a Suspension proceeding or an emergency Action has begun, by sending an Applicant or an Institution a notice, by certified mail with return receipt requested. This notice must:

- 1) inform the Applicant or the Institution of the intent of ISAC to limit or terminate the Applicant's or the Institution's eligibility, cite the consequences of that Action, as outlined in the Matrix--(See-Appendix-A) and identify the alleged violations which constitute the basis for the action, and in the case of a Limitation proceeding, state the limits to be imposed;
- 2) specify the proposed effective date of the Limitation or Termination which shall be at least 20 days after the date of mailing of the notice of intent;
- 3) inform the Applicant or the Institution that the Limitation or Termination will not be effective on the date specified in the notice if the Executive Director receives, at least 5 days before the proposed effective date, a request for a hearing or written material indicating why the Limitation or Termination should not take place;

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- 4) invite voluntary efforts to correct the violation(s) which led to the initiation of the Action; and
 - 5) inform the Applicant or the Institution that the failure to request a hearing will be deemed a waiver of that right.
- c) If the Applicant or the Institution does not request a hearing but submits written material, the Executive Director, after considering that material, notifies the Applicant or the Institution that:
- 1) the proposed Action is dismissed; or
 - 2) Limitations are effective as of a specified date; or
 - 3) the Termination is effective as of a specified date.
- d) If the Applicant or the Institution requests a hearing, at least 5 days before the proposed effective date, the procedures outlined in Section 2790.140, Hearings, shall be followed.
- e) If the Applicant or the Institution wishes to appeal the decision of the Hearing Officer, the procedures outlined in Section 2790.70, Recommended and Final Decisions, shall be followed.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.70 Recommended and Final Decisions

- a) The Hearing Officer issues an initial or recommended decision based on findings of fact and conclusions of law. Findings of fact shall be based only on evidence considered at the hearing and matters of which official notice has been taken. A recommended decision must be issued no later than 30 days after the conclusion of the hearing.
- b) The recommended decision will be promptly mailed to all parties.
- c) A recommended decision may be appealed to the Commission by filing exceptions to the Hearing Officer's recommended decision and a brief in support of those exceptions no later than 20 days after the receipt of the recommended decision. The opposing party shall have 20 days from the receipt of the exceptions and supporting brief to file a response. If no timely exceptions are filed, the parties will be deemed to have waived their any exceptions and the recommended decision shall be implemented.
- 1) All exceptions, briefs, and response briefs shall be filed with the Executive Director.

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- 2) Each exception shall set forth specifically the questions of procedure, fact, law, or policy to which exceptions are taken and shall identify that part of the recommended decision to which objection is made. The supporting brief shall designate, by precise citation of pages, the portions of the record relied upon and shall state the grounds for the exceptions and a citation of authorities.
- 3) The Executive Director shall submit to the Commission the Hearing Officer's recommended decision, exceptions and briefs.
- d) The recommended decision of the Hearing Officer does not take effect pending the appeal, unless the Commission determines that a stay would produce a serious and adverse effect upon the programs involved.
- e) In the case of an appeal, the Commission issues a final administrative decision affirming, modifying, or reversing the recommended decision, including a statement or reasons for the decision.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.80 Verification of Mailing and Receipt Dates

- a) ISAC's Verification of the mailing dates and receipt dates referred to in this Part is evidenced by the original receipt from the U.S. Postal Service.
- b) If an Applicant or an Institution refuses to accept a notice mailed under this section, ISAC considers the notice received on the date the Applicant or the Institution refuses to accept the notice.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.90 Limitation

A Limitation may include, as appropriate to the program in question:

- a) a limit on the number or percentage of students Enrolled in an educational Institution who may receive ISAC-administered Funds;
- b) a limit on the Guaranteed Loans that a lending Institution may make, purchase, or hold;
- c) a requirement that an Institution obtain and continue to hold in force and effect a bond, in a specified amount, to assure its ability to meet its financial obligations to students who receive

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Commission ISAC Funds; or

- d) such other conditions as may be determined to be reasonable and appropriate.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.100 Termination

A Termination may include, as appropriate to the program in question:

- a) ending an Applicant's or an Institution's eligibility for any or all Gift Assistance programs administered by ISAC;
- b) prohibiting an Institution from making or increasing financial aid awards administered by ISAC;
- c) prohibiting an Institution from making any new obligations against Funds administered by ISAC;
- d) prohibiting additional ISAC Guaranteed Student Loans for students Enrolled at that Institution or additional guaranteed student loans for an Applicant;
- e) prohibiting a lending Institution from obtaining ISAC guarantees for any borrowers after the effective date of the Termination; or
- f) prohibiting a lending Institution from disbursing loan proceeds.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.110 Payment Period

- a) If an educational Institution is terminated during a payment period, any eligible recipient at that School who has received an award or to whom a commitment has been made before the effective date of Termination may receive payment for that payment period.

- b) The payment period for grant programs is the Academic Year; or from the midpoint to the end of the Academic Year, and for loan programs is the period certified on the loan.

- c) If a lending Institution is terminated, the Lender shall proceed with collection due diligence efforts on all loans made prior to the effective date of the Termination.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

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Section 2790.120 Reimbursements, Refunds, Offsets and Penalties

- a) The Executive Director, appointed Hearing Officer, or the Commission may require an Applicant or an Institution to take reasonable and appropriate corrective action to remedy a violation of applicable laws, Regulations, special arrangements, agreements, or Limitations.
- b) The corrective action may include payment of any Funds to ISAC, or to designated recipients, ~~while~~ that the Applicant or the Institution improperly received, withheld, disbursed, or caused to be disbursed.
- c) If any final decision requires an Applicant or an Institution to reimburse or make any other payment to ISAC, ISAC may deduct these claims from any benefits or claims due the Applicant or the Institution.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.130 Reinstatement After Termination

- a) An Applicant or an Institution whose eligibility has been terminated may not file a request for reinstatement until 18 months after the effective date of Termination.
- b) After the minimum Termination period, the Applicant or the Institution may request Commission reinstatement of eligibility. The request must be in writing and must show that the Applicant or the Institution has corrected the violations on which the Termination was based, and has paid in full all liabilities, reimbursements and refunds, and that it meets all qualifications for eligibility.
- c) Within ninety days after receipt of the request for reinstatement, the Commission shall respond to the Applicant or the Institution by:
 - 1) granting its request;
 - 2) denying its request;
 - 3) granting the request subject to other Limitations; or
 - 4) conducting a program review to determine that all violations have been corrected, in accordance with Section 2700.60, Audits and Investigations.
- d) If the Commission denies the request or establishes Limitations, the Applicant or the Institution, upon request, will be granted an

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opportunity to show cause why its eligibility should be fully reinstated.

- e) The Applicant's or the Institution's request for a show-cause meeting shall not waive the right to participate in any or all programs administered by the Commission if it complies with such continuing Limitations pending the outcome of the meeting.
- f) A School that is also a Lender and whose eligibility as a participating School has been terminated, may not be considered for reinstatement as a Lender until it is reinstated as an eligible School.
- g) If a request for reinstatement is denied, the Applicant or the Institution may request reinstatement 18 months after the most recent request, unless the Commission agrees to consider an earlier request.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

Section 2790.140 Hearings

- a) If the Applicant or the Institution requests a hearing at least 5 days before the proposed effective date of a Suspension, Limitation or Termination, the Executive Director sets the date and place for the hearing. The date will be at least 15 days after the Executive Director receives the request.
- b) A Hearing Officer appointed by the Executive Director conducts the hearing on the record.
- c) The Hearing Officer shall regulate the course of the proceedings, the conduct of the parties during the hearing, provide for the orderly presentation of arguments and evidence, and shall take all steps necessary to conduct a fair and impartial hearing.
- d) The Hearing Officer shall take whatever measures are appropriate to expedite the proceeding which may include, but are not limited to:
 - 1) scheduling of pre-hearing conferences;
 - 2) restricting the number or length of submissions;
 - 3) accepting stipulations as to facts and legal authorities;
 - 4) setting time limits for hearings and submission of written documents; and

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- 5) declaring any party who fails to comply with a valid order of the Hearing Officer to be in default, terminating the proceeding and issuing a decision against the non-complying party.
- e) At the hearing, the appointed Hearing Officer shall consider any written material presented before the hearing, or any material or other evidence presented during the course of the hearing. The hearing shall be conducted in accordance with Sections 10, 11 and 12 of the Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1010, 1011 and 1012).
- f) The Hearing Officer shall not have authority to issue subpoenas. If requested by the Hearing Officer, ISAC, the Applicant and/or the Institution shall provide persons who have knowledge about the matter under review for oral or written examination.
- g) The ISAC Official has the burden of proof by a preponderance of the evidence in any Suspension, Limitation or Termination hearing.
- h) The Hearing Officer shall only accept evidence that is relevant to the proceeding and not unduly repetitious.
- i) The Hearing Officer shall base findings of fact only on evidence considered at the hearing and on matters given judicial notice.
- j) If, after considering the evidence, the appointed Hearing Officer concludes that a Suspension, Limitation, Termination or penalty is warranted, the Hearing Officer will issue an initial decision that may suspend, limit, terminate or affect the Applicant or the Institution's eligibility in whole or in part, in accordance with the Matrix--(See-Appendix-A.)
- k) If a Termination proceeding is brought against an Applicant or an Institution, the appointed Hearing Officer may, in at his or her discretion, issue a decision to impose one or more Limitations or penalties on an Applicant or an Institution rather than terminating its eligibility--provided that the decision is in accordance with the Matrix--(See-Appendix-A.)
- l) Expedited Hearing: With the approval of the Hearing Officer and the mutual consent of the parties, any time schedule specified in this Section may be shortened.
- m) The Applicant or the Institution may be represented by legal counsel at a hearing, but ISAC is under no obligation to provide

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such counsel.

(Source: Amended at 16 Ill. Reg. 11269, effective July 1, 1992)

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Section 2790. APPENDIX A. Matrix (Repealed)

NAMES OF STUDENTS	1st Offense		2nd Offense		3rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Making Administrative Errors affecting 15 to 44 of the Funds in an audit sample	Admonishment	6-month limitation	1-year limitation	Suspension for 30 days	Suspension for 30 days	Termination
(Lender-School)						
Making Administrative Errors affecting 15 to 44 of the Funds in an audit sample	6-month limitation	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination	Termination
(Lender-School)						
Making Administrative Errors affecting 45 or more of the Funds in an audit sample	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination	Termination	Termination
(Lender-School)						
Prohibitedly submitting incorrect or misleading information on an application	Admonishment	6-month limitation	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination
(Applicant-School)						
Prohibitedly applying false information on a claim or report	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination	Termination	Termination
(Lender-Applicant-School)						
Failure to make refunds in cases with early loans	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination	Termination	Termination
(School)						

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NAMES OF STUDENTS	1st Offense		2nd Offense		3rd Offense	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Converting Funds for personal use by an individual and/or engaging in the unauthorized use of Funds by an institution	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination	Termination	Termination
(Applicant-Lender-School)						
Entering a plea of no contest or being found guilty of a felony charge by any court within the jurisdiction of the United States relating to Funds administered by ISAC	Termination					
(Applicant-Lender-School)						
Entering a plea of no contest or being found guilty of a misdemeanor by any court within the jurisdiction of the United States relating to Funds administered by ISAC	Suspension for 60 days	Termination	Suspension for 60 days	Termination	Termination	Termination
(Applicant-Lender-School)						
Attempting to obtain Funds through misreading or false information on an application, a claim or a report	1-year limitation	Suspension for 60 days	Suspension for 60 days	Termination	Termination	Termination
(Applicant-Lender-School)						

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REPEAL-OR-REVISION	1st offense			2nd offense*			3rd offense*		
	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal
Penalty-a-signature-or-false-certifying-on-application-this-or-report	Suspension-for 60-days	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal
(Applicant-School)									
Penalty-a-false-identity-or-false-personal-identification	Suspension-for 60-days	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal
(Applicant)									
Obtaining-funds-through-fraudulent-means-when-ineligible	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal	Repeal
(Applicant-School)									

*The ordinal number of the offense refers to the enhancement of the penalties for repeated findings, after adjudication, of the same violation.

(Source: Repealed at 16 Ill. Reg. 11269, effective July 1, 1992)

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- 1) The Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section numbers: Adopted Action:
2761.10 amendment
2761.20 amendment
2761.30 amendment
- 4) Statutory Authority: Implementing and authorized by Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.7b).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
March 20, 1992, 16 Ill. Reg. 4452
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
Pursuant to an agreement with JCAR staff, Section 2761.30(f) has been modified to clarify the procedures by which scholarships would be awarded to students who qualified for the program in previous years, but who were denied scholarships because of insufficient appropriations. The Section was also revised to exclude any language that could have been construed as being inconsistent with the legislative intent concerning those scholars. There were no other substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.

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- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendment. Section 2761.30(f) was added in response to P.A. 86-1439 which became effective on November 28, 1990. That Public Act gave students who graduated during the 1986-87 or 1987-88 academic years, with grade point averages at or above the 90th percentile of their class, an opportunity to be eligible for a scholarship in the amount of \$500.00.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761

MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section	Summary and Purpose
2761.10	Definitions
2761.20	Program Procedures
2761.30	Program Procedures (Repealed)
2761.30	

AUTHORITY: Implementing and authorized by Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1990 Supp., ch. 122, pars. 30-15.7b).

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990; amended at 16 Ill. Reg. 11290, effective July 1, 1992.

Section 2761.10 Summary and Purpose

- a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates, without regard to financial need. The scholarship is a \$1,000 award which must be used for enrollment at an approved Illinois postsecondary institution.
- b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. 11290, effective July 1, 1992)

Section 2761.20 Definitions

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.2(c)).

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"Cumulative Grade Point Average" - The average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as those completed for admission, placement, or other similar purposes.

"Eligible Applicant" - Defined at Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 198990 Supp., ch. 122, par. 30-15.7b).

"Graduating Class" - The total number of students to complete the high school's program of instruction and graduate within an Academic Year.

"Qualified Student" - Defined at Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 198990 Supp., ch. 122, par. 30-15.7b).

"Seventh Semester" - The period of instruction, at the completion of which, a student has completed eighty percent of the Approved High School's program of instruction. The seventh semester will usually be the student's next-to-last Term.

(Source: Amended at 16 Ill. Reg. 11290, effective July 1, 1992)

Section 2761.30 Program Procedures

a) In February of every year, Approved High Schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are Eligible Applicants.

1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by Approved High Schools shall be subject to audit by ISAC.

2) Eligible Applicants must have completed their Seventh Semester of instruction at an Approved High School in Illinois.

b) Eligible Applicants shall be sent a Merit Recognition Scholarship application which must be completed by the student and the postsecondary Institution attended by the Applicant. A complete application must be received by ISAC prior to June 15th of the Academic Year following graduation from the Approved Illinois High School. Should the recipient transfer to a different Institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments.

c) ISAC shall disburse scholarship funds in two or three increments

depending based on the number of Terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer Term.

1) The application form constitutes a request for payment of first Term benefits. ISAC shall issue payment request rosters for Institutions to request payment for subsequent Terms.

2) Funds shall be remitted to Institutions on behalf of the Qualified Students. When requesting payment of scholarship funds, the Institution shall certify that the recipient is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

3) Upon receipt of scholarship funds, the Institution shall verify the recipients' enrollment status. If the recipient is Enrolled, the Institution may credit the disbursement funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the recipient.

4) If the recipient has withdrawn from enrollment or drops to less than half-time enrollment, the Institution shall return the disbursement to ISAC.

d) Scholarship funds are applicable to two semesters or three quarter Terms and must be used for educational expenses, including, but not limited to, Tuition and fees, room and board, books and supplies, and travel and personal expenses related to the student's enrollment.

e) Should the recipient withdraw from enrollment during the first-Term financed by the scholarship, the recipient shall return the funds disbursed.

f) Notwithstanding the previous provisions of this Section, students who graduated during the 1986-87 or 1987-88 school year whose grade point averages were at or above the 90th percentile of their high school class and who were otherwise eligible to apply for a scholarship under this Section shall:

1) be eligible for a scholarship in the amount of \$500;

2) have had their names certified as eligible applicants by Approved High Schools on forms submitted to ISAC;

3) have submitted an application to the Institution at which they

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are currently enrolled by November 15th of the academic year in which funds are appropriated for this purpose.

- 4) have Institutions verify that the Qualified Student is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; and is not the recipient of a baccalaureate degree.
- 5) have the scholarships awarded under this subsection provided by a separate appropriation of the General Assembly; and
- 6) have a scholarship awarded by ISAC in order of decreasing percentile as determined by their 7th semester cumulative high school grade point average, if funds appropriated are insufficient to provide all Qualified Students with an award.

(Source: Amended at 16 Ill. Reg. 11290, effective July 1, 1992)

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- 1) The Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3) Section numbers: Adopted Action:

2735.10	amendment
2735.20	amendment
2735.30	amendment
2735.40	amendment
2735.50	amendment
2735.60	amendment
2735.70	amendment
2735.80	amendment
2735.100	amendment
2735. App. A	amendment
- 4) Statutory Authority: Implementing and authorized by Sections 30-15 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
March 20, 1992, 16 Ill. Reg. 4458
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
There were no substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.

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14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions. Implement state and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments. Section 2735.20 eliminates the 160 semester/240 quarter hour cap on Monetary Award Program (MAP) assistance because this rule has proven to be operationally problematic for ISAC clients and is generally regarded as unnecessary since there are other rules that place reasonable limitations on the benefits a student can receive through the program. Among these other rules are the 10 semester/15 quarter restriction, the baccalaureate degree restriction, and the requirement that recipients continue to satisfy institutional satisfactory academic progress standards. ISAC is confident that the repeal of the rule will in no way jeopardize the integrity of the MAP program and similarly, no fiscal implications are anticipated. Section 2735.30 includes "priority consideration dates" in lieu of application deadlines dates. The previously existing full-year consideration dates of June 1 for renewal students and October 1 for students not enrolled during the prior year remain in place but are designated as priority filing dates. Language has been added to indicate more clearly that students who apply after these dates and meet the MAP eligibility criteria will qualify for and receive grants only to the extent that funds are available. Through the use of priority application dates, ISAC seeks to encourage students to file their applications in a timely manner, without unnecessarily discouraging applications after those dates. While students who meet the prescribed deadlines will be assured full consideration if found to be MAP-eligible, eligible applicants who miss the priority dates will be cautioned that consideration and payment of their awards will be subject entirely to the availability of funding. In an effort to accommodate extenuating or unusual circumstances, amendatory language was adopted to extend consideration to students filing "Special Conditions" applications. Additionally, existing rules authorizing the Commission to adjust application deadlines in order to avoid overcommitting appropriated funds are reaffirmed and amended to incorporate the new language on priority dates. Section 2735.50 now specifies the rationale as to why MAP recipients who are eligible for other gift assistance programs are not eligible for a full MAP grant. Section 2735.70 broadens the circumstances under which remedial courses are eligible for MAP payment. Under existing rules, remedial courses are MAP-eligible only if the courses in question are offered for credit. While some institutions offer developmental or remedial coursework for credit, many others provide such courses on a non-credit or reduced credit basis. Frequently, students are required to take such coursework as a prerequisite to or condition of their continued enrollment. The prohibition against MAP payment for these courses has

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proven to be increasingly confusing to academic counselors and students alike, particularly since these courses qualify for federal student aid. The deletion of the prohibition makes ISAC's policy consistent with that governing the federal Pell grant program. Equally significant, the amendment furthers ISAC's goal of providing access to postsecondary education to the truly neediest of students, particularly those from academically disadvantaged backgrounds. Section 2735.80 reaffirms ISAC's authority to establish institutional priority claim filing dates and clarifies that MAP payment claims submitted by schools after the prescribed dates will be paid by ISAC only if available funds permit, based on the date on which the claim was received. It also specifies that advanced payment requests are due on the same date as other information that is reported to ISAC on an annual basis.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Willmot Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2735

MONETARY AWARD PROGRAM (MAP)

Section	Summary and Purpose
2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Application for MAP Grants
2735.40	Determination of Financial Eligibility
2735.50	Institutional Packaging of Gift Assistance
2735.60	Institutional Eligibility
2735.70	Enrollment Requirements
2735.80	Disbursement of MAP Grants
2735.100	Contractual Agreement Requirements
2735.APPENDIX A	Advance Payment Formula

AUTHORITY: Implementing and authorized by Sections 30-15 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15 et seq.).

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992.

Section 2735.10 Summary and Purpose

- a) The Monetary Award Program (MAP) provides direct grant assistance to eligible students. MAP grants are apportioned among otherwise eligible applicants on the basis of relative financial strength and available funds. Recipients must enroll at approved nonprofit Illinois Institutions in order to utilize use MAP grants.
- b) This Part establishes Rules which govern the Monetary Award Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

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Section 2735.20 Applicant Eligibility

- a) All MAP Grant recipients must be:

- 1) Citizens or Eligible Non-citizens of the United States, and Residents of Illinois.

- 2) Students in good standing in accordance with their Institution's policy of Satisfactory Academic Progress.

- 3) Enrolled on at least a Half-time basis at a MAP-approved postsecondary Institution. (See: Section 2735.60.)

- A) A recipient may receive MAP grant payment for less than Half-time enrollment provided the recipient was Enrolled on at least a Half-time basis throughout the Institution's Tuition refund/withdrawal adjustment period. (See Section 2735.70(g).)

- B) Effective with Terms beginning on or after July 1, 1990, no person who is incarcerated may receive a MAP grant.

- b) All recipients must demonstrate financial eligibility as determined from the financial data supplied to the Illinois Student Assistance Commission (ISAC). (See: Section 2735.40.)

- c) Eligibility is restricted to undergraduate students.

- 1) MAP recipients must not have received a baccalaureate degree ~~nor have completed more than 160-semester/240-quarter-credit hours-at-all-institutions-attended.~~

- 2) Graduate Students are not eligible for MAP assistance. For purposes of this Part, an Institution shall classify as a "Graduate Student" any student who:

- A) is enrolled in an academic program or course above the baccalaureate level which is leading to any degree above the baccalaureate level; and

- B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and

- C) has completed the equivalent of at least three years of Full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.

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- d) A recipient may receive the equivalent of 10 semesters/15 quarters of Full-time equivalent MAP grant payment. (See: 23 Ill. Adm. Code 2700.40(h).) If a recipient has accumulated less than sixty eligibility units, he/she may receive one additional Term of Full-time MAP assistance.
- e) ---- If an Applicant has completed more than 160 semester/240 quarter hours, the Applicant shall be allowed one additional Term of MAP eligibility provided:
- 1) ---- the additional Term is the final Term necessary to complete an undergraduate degree; and
- 2) ---- the Applicant has not received the equivalent of 10 semesters/15 quarters of Full-time MAP grant payments;
- f) Seniors in their last Term of enrollment prior to receiving a baccalaureate and Applicants Enrolled in student teaching are classified as Full-time Students for purposes of MAP grant eligibility.

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.30 Application for MAP Grants

- a) An application for a MAP grant must be submitted annually. Applicants may use any one of the forms which the United States Department of Education (ED) designates as an application form for the Pell Grant program. (See Section 483 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 109070a).)
- b) Application-Deadlines-Priority Consideration Dates

- 1) Regular School Year applications must be received before June 1 immediately preceding the Regular School Year for which the application is being made from students who were Enrolled in a postsecondary Institution during the previous Regular School Year in order to receive priority consideration for a full year award. Regular School Year applications must be received before October 1 from students not Enrolled during the previous Regular School Year in order to receive priority consideration for a full year award.

- 2) Applications received between June 1 and October 1 from students Enrolled in a postsecondary Institution during the previous Regular School Year will be evaluated for grant assistance applicable either to the second semester or the second and third quarter of the Regular School Year.

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Applications received after the priority dates will be considered for MAP awards based on available funds, if any, for partial year or reduced awards.

- 3) All applications received after October 1 but prior to March 15 will be evaluated for grant assistance applicable only to the second semester or the third quarter of the Regular School Year. Students eligible for winter or spring term awards who have missed the June 1 priority date and who are graduating midyear may request that their winter or spring award be used for fall term.

- 4) Applications from students qualifying for special conditions pursuant to the Pell Grant Program will be considered as long as there is available funding. (See 34 CFR 690.31 and 690.32 (1990).)

- 45) To the extent necessary to administer the program within the limits of the MAP appropriation, the Commission may adjust the deadline priority dates established by subsection (b).

- c) When an application is incomplete, a notification will be sent to the Applicant. The Applicant then has an opportunity to furnish the missing information; however, depending on processing schedules, the Applicant may be considered only for subsequent Term(s).

- d) ISAC informs Applicants that they are MAP recipients on the basis of application data. All announced MAP recipients are subject to Verification and the availability of funds.

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.40 Determination of Financial Eligibility

- a) Applicants, spouses, and the Parents of Applicants are required to submit financial information on the application, which will be kept confidential, regarding income, asset value, and non-taxable income (e.g., Aid to Families of Dependent Children, public aid, veterans' benefit or Social Security).

- b) After receipt of corrected data, the ISAC shall recalculate awards for those Applicants whose applications are not in basic agreement with their financial records.

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- c) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved Institution of the Applicant's choice, and is reevaluated if the Institution choice changes.
- d) MAP grant recipients request payment through their educational Institution. MAP grant funds are remitted directly to the educational Institution in the name of the recipient after the Institution certifies an Applicant is an eligible recipient.

- e) MAP grants are applicable only toward Tuition and Mandatory Fees. MAP grants may not exceed the:

- 1) maximum award specified at Ill. Rev. Stat. 198589 ch. 122, par. 30-15.7(c) as amended by Public Act 84-1300, effective August 19, 1986, or as later amended.

- 2) Institution's Tuition and Mandatory Fee charges on file with ISAC.

- f) The maximum MAP grant available to a recipient attending a public community college is limited to the in-district Tuition and Mandatory Fees. It is the recipient's responsibility to make arrangements to pay the additional costs incurred as an out-of-district student. The recipient is advised to contact the in-district community college and/or local high school regarding application procedures and deadline dates.

- g) Public community college award recipients shall be eligible for payment up to 19 hours (9.5 hours for half-time).

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.50 Institutional Packaging of Gift Assistance

- a) MAP recipients must report to the Institution all additional Gift Assistance that applies toward Tuition and Mandatory Fees, such as Tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for Tuition and fees, the combined assistance shall not exceed the total Tuition and fee expenses incurred.
- c) If an Applicant is eligible for assistance under the Illinois National Guard/Naval Militia (NG) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the Applicant is not eligible for a full MAP grant because NG and IVG must be factored into packaging prior to MAP gift assistance. The

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Institution may request payment of a partial MAP grant to finance fee expenses not covered by the above referenced programs.

- d) If an Applicant is eligible to receive Tuition or fee benefits through a prepaid or reimbursable Tuition plan, or through a payment to the Institution by the Applicant's employer, the Institution shall request MAP payment in accordance with this subsection:

- 1) A prepaid Tuition plan is any program which exempts a student from Tuition charges because of a payment(s) to the Institution at a time prior to the student's enrollment. A reimbursable Tuition plan is a program which reimburses a student for Tuition costs after satisfactory completion of course work.

- 2) The Institution shall recalculate the Applicant's MAP eligibility by decreasing the Applicant's Tuition and fee charges by the amount of benefits the Applicant is eligible to receive from the sources in subsection (d)(1). The Institution shall report the Applicant's reduced grant award on the payment request list. (See: Section 2735.801.)

- 3) The provisions of this subsection shall not apply to benefits under derived from the Baccalaureate Savings Act (Ill. Rev. Stat. 198789, ch. 144, par. 2401 et seq. and 23 Ill. Adm. Code 2771).

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.60 Institutional Eligibility

To receive MAP grant payments, recipients must enroll at ISAC-approved colleges, universities, or professional colleges. (See: 23 Ill. Adm. Code 2700.30) The Institution must offer at least a two year organized program of collegiate study directly applicable towards the attainment of an associate or baccalaureate degree. Institutions which provide a program in health education directly applicable toward the attainment of a certificate, diploma, or associate degree are also eligible. All eligible Institutions must be nonprofit and located in Illinois. If an Illinois Institution operates a satellite campus outside of Illinois, Residents of Illinois Enrolled in classes at the satellite campus may receive MAP benefits in accordance with Section 2735.70(e).

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.70 Enrollment Requirements

- a) It is the responsibility of MAP recipients to gain admission to approved Illinois Institutions. Illinois Institutions are not

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obligated to admit Monetary Award recipients. Once the recipient is Enrolled and attending classes, the Institution shall receive Tuition payments and other Mandatory Fees provided by the award. The Institution is obligated to provide Monetary Award recipients the same facilities and instructions, at the same charges, as are provided other students.

- b) The MAP grant shall not pay for academic programs intended to prepare a student for the General Educational Development (GED) Test or for a high school diploma. [See: e.g., 23 Ill. Adm. Code 215.]
- c) The MAP grant shall not pay for audit courses, credit-by-examination and/or life experience, non-credit course offerings (except qualifying remedial courses), and/or correspondence courses. Such course work cannot be used to meet the Half-time or Full-time requirement. Remedial courses shall be eligible for MAP payment provided the student has been accepted into an eligible degree/certificate program and is taking the remedial courses as a part of that program. Payment shall not be made for more than one year of remedial coursework (i.e., 30 semester hours or 45 quarter hours).

- d) For any Institution which has Concurrent Registration opportunities, the following policy pertains:

- 1) The recipient must indicate his/her Institution of record on the MAP application.
- 2) The payment of the Term award by ISAC will require the Institution of record to receive MAP payment on behalf of both Institutions and to distribute the appropriate share of the award to the other Institution. Payment by ISAC will not be made to two Institutions.
- 3) The amount paid cannot exceed the maximum Term award for Full-time or Half-time students at the Institution of record, or the Tuition and Mandatory Fee costs of attending both if the costs are less than the maximum Term award.
- 4) Concurrent Registration is limited to MAP approved Institutions.
- 5) The records at the Institution of record must indicate the total credit hours Enrolled.
- e) If a recipient's academic program involves out-of-state and/or foreign study, enrollment must be in accordance with the following provisions:

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- 1) The recipient must be Enrolled at the MAP approved Institution, and the out-of-state/foreign study must be in conjunction with the approved Institution's curriculum;
- 2) The MAP approved Institution must record the course credits on the official academic transcript as institutionally earned credit and not as transfer credit;
- 3) The recipient must be Enrolled Full-time and must be charged Tuition and fees at least equal to Tuition and Mandatory Fees charged all students.
- 4) An Institution shall not request more than two semesters/three quarters of MAP assistance for any one recipient.
- f) If an announced recipient's credit hour enrollment decreases, the Institution shall only request payment up to the amount of actual expenses incurred.
- g) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive MAP grant payment for costs incurred up to the Term award provided the Institution's Tuition refund policy indicates the Applicant has incurred charges in the amount of the claim.
- h) Eligibility units are accumulated by a recipient whenever MAP funds are disbursed on behalf of the recipient. [See: 23 Ill. Adm. Code 2700.40(h).]

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.80 Disbursement of MAP Grants

- a) Upon receipt of a payment request from the Institution, ISAC remits MAP grant funds to the Institution on behalf of the recipient. The Institution shall credit these funds to the recipient's account.
- b) MAP grants are divided into two semester or three quarter regular Term payments and are paid directly to the approved Institution which certifies to ISAC that the Applicant is an eligible recipient.
- 1) ISAC will annually establish due priority claim dates for return of payment request lists and inform schools of the required due priority dates.
- 2) Late return of payment request lists will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.

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- 3) Under no circumstances are Institutions to return their payment request lists until after the Institution's Tuition refund/withdrawal adjustment period has expired for the Term for which they are requesting payment.

- c) MAP grant payment is subject to the limits of dollars appropriated to the ISAC by the General Assembly.

d) Institutional Processing of Payments

- 1) Within thirty days of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the Institution shall credit the MAP funds against the recipients' Tuition and Mandatory Fee charges for the appropriate Term.

- 2) Following receipt of payment for the Term, Institutions are required to review payments received through the ISAC Monetary Award Program. Any payments received by the Institution that are determined in the review to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Refunds may be caused by billing errors, retroactive withdrawals, and other miscellaneous reasons authorized by these Rules. Should the payment arrive after the end of the Term, the Institution will have 30 days following receipt of payment to complete the review process and return any refunds due.

- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same Institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.

- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than September 1 due to the State's fiscal year lapse period ending on September 30.

- 5) Payment requests received after September 1 for the prior Academic Year will be processed as time and available funds permit; however final action may require Institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See: The Court of Claims Act (Ill. Rev. Stat. 198582, ch. 37, par. 439.1 et seq.)).

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- 6) If the Institution does not submit refunds as required by this Section, ISAC will deduct outstanding refunds from subsequent institutional payment requests.

e) Advance Payment Option

- 1) MAP-approved Institutions may request consideration for the advance payment option. To be eligible, the Institution must have received MAP payments for each of the last five Academic Years, and ISAC must have completed an audit of the Institution's performance during the aforementioned Academic Years. Institutions with provisional eligibility shall not receive advance payments. (See: 23 Ill. Adm. Code 2700.30(1)(5)).

- 2) Subject to the availability of funds, payments are advanced on a Term-by-Term basis. Advance payments are made in an amount not to exceed seventy-five percent of a Term's announced recipients, adjusted for attrition as determined by subsection (a)(3)(3)(B). The formula by which ISAC computes an Institution's advance payment is illustrated in Appendix A of this Part.

- 3) For purposes of computing an Institution's advance payment, ISAC utilizes the lowest retention rate resulting from the following three formulae.

- A) Dollar value of the previous fiscal year's claimed awards divided by the dollar value of the previous fiscal year's announced awards.

- B) Number of claimed awards for the previous fiscal year divided by the number of awards announced during the previous fiscal year.

- C) Utilizing the formula in subsection (e)(3)(B), compute the retention rate for the previous five fiscal years. Add the five retention rates and divide by five to produce the five year average retention rate.

- 4) Requests for advance payment shall not be submitted until 10 class-days after the last day of registration for that Term by June 1st with the annual tuition and fee charges (see 23 Ill. Adm. Code 2700.30(e)). The balance of payment due for the current Term will be paid to the Institution after ISAC receives a payment request.

- 5) If an Advance Payment received by an Institution exceeds the

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total grant payments for which that Institution's students are eligible, the Institution shall submit the appropriate refund to ISAC prior to the end of the Academic Year.

(Source: Amended at 16 Ill. Reg. 11296, effective July 1, 1992)

Section 2735.100 Contractual Agreement Requirements

- a) The primary purpose of a MAP-approved contractual course of study must be educational and must lead to, and be required for, a degree or certificate in a published course of study offered by an ISAC-approved Institution.
- b) All contractual agreements between ISAC-approved public Institutions and non-approved Institutions must be programs approved by the Illinois Board of Higher Education (IBHE). (See: 23 Ill. Adm. Code 1050.2) All ISAC approved Institutions not governed by the IBHE program review and approval procedures shall submit their contractual agreements to ISAC for approval prior to requesting MAP payment for any contractual course work taken. ISAC shall approve the contractual agreement if the terms are consistent with this Section.
- c) The Institution of record must be an ISAC-approved Institution.
- d) An approved ISAC-approved Institution may enter into a contractual agreement with a non-approved Institution/agency only if the approved ISAC Institution does not have specific educational facilities and faculties available within the Institution to offer the Illinois Board of Higher Education approved programs.
- e) All ISAC-approved Institutions are required to submit to ISAC a published curriculum of all courses leading to a certificate or degree in all programs involving contractual agreements between two or more Institutions/agencies. Only courses required for these programs that are included in the published curriculum will be eligible for ISAC payment. Furthermore, only those courses approved by the Illinois Community College Board or baccalaureate or vocational programs in the public community colleges will be eligible for ISAC payment at the public community colleges.
- f) The governing boards of all ISAC-approved Institutions not subject to IBHE contractual guidelines and/or program review and approval procedures should certify to ISAC that the following items are included within the contractual agreement and are the responsibilities of the ISAC-approved Institution:
 - 1) Administrative responsibility for the program is with the

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ISAC-approved Institution;

- 2) Provisions for program supervision including on-site visits by the ISAC-approved institution;
 - 3) Admission policies consistent with the approved Institution's policies;
 - 4) Procedures for the maintenance of records and transcripts by the ISAC-approved Institution;
 - 5) Statement on student Tuition, fees, and other charges;
 - 6) Number of credit hours required and criteria for course completion within the program consistent with the approved Institution's policies and guidelines for all programs;
 - 7) Student withdrawal policy consistent with approved Institution policy;
 - 8) Maintenance of liability insurance;
 - 9) Responsibility for faculty employment and evaluation;
 - 10) Availability of student auxiliary services;
 - 11) Consistency with policies, rules, and regulations of other state approval agencies;
 - 12) Establishment and utilization of a representative advisory committee;
 - 13) Provision for follow-up studies consistent with the approved Institution practices;
 - 14) Annual program and contract review by the ISAC-approved Institution; and
 - 15) Certification that the non-approved Institution/agency meets statutory requirements and is approved by appropriate State of Illinois agencies and boards.
- g) ISAC requires all ISAC-approved Institutions to indicate the percentage of their own students who participate in the contract program(s) of study, and the percentage of all students Enrolled in the nonapproved Institution/agency who will receive Tuition assistance through an approved contractual agreement. When either of these percentages exceed 30%, the contractual agreement will not

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- 1) The Heading of the Part: Paul Douglas Teacher Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2762
- 3) Section numbers:

2762.10	amendment
2762.20	amendment
2762.30	amendment
2762.40	amendment
- 4) Statutory Authority: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 30-15.4(b) and (f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(b) and (f)).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:

March 20, 1992, 16 Ill. Reg. 4475

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
There were no substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state

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and federal statutory changes, and resolve and/or clarify issues that have arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments. Section 2762.30(b)(3)(B) states that qualified applicants must be enrolled in institutions approved by the U.S. Department of Education. Section 2762.30(d) was amended to comply with a mandate issued by the Department of Education. The initial eligibility criteria for this federally-sponsored scholarship may not require attendance at an Illinois institution, however, it may be a final selection criterion. Section 2762.30(e) specifies that a recipient must make academic progress in order to remain eligible for this scholarship. Section 2762.40(b) now requires only first-time applicants to provide their postsecondary educational institution with a copy of their high school transcript and to apply for a federal Pell Grant to determine the congressional methodology family contribution. Section 2762.30(e) contains provisions included in the teaching agreement/promissory note. Section 2762.30(f)(2) includes the dollar amount of a partial year award as well as a full year award. Section 2762.30(f)(4) adds a new teaching scholarship among the types of financial assistance that a Paul Douglas recipient may not accept while still remaining eligible for this scholarship. Section 2762.40(g) clarifies that only the unused portion of a scholarship is returned to ISAC if the recipient withdraws from enrollment.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2762

PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

Section

2762.10 Summary and Purpose
 2762.20 Definitions
 2762.30 Scholar Eligibility
 2762.40 Program Procedures

AUTHORITY: Implementing and authorized by Section 551 et seq. of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1111 et seq.), and Sections 30-15.4(b) and (f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(b) and (f)).

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 12690, effective July 18, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 3159, effective January 29, 1987; amended at 12 Ill. Reg. 11559, effective July 1, 1988; amended at 13 Ill. Reg. 8650, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1762 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2762 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17865; amended at 16 Ill. Reg. 11313, effective July 1, 1992.

Section 2762.10 Summary and Purpose

- a) The Paul Douglas Teacher Scholarship Program provides scholarships to enable and encourages outstanding high school graduates to pursue teaching careers at the pre-school, elementary or secondary school level.
- b) Federal Regulations govern the responsibilities of the Illinois Student Assistance Commission (ISAC), Institutions, and Scholars. This Part implements ISAC's discretionary authority as the program administrator for the State of Illinois. (See: 34 CFR 653 (198690).)
- c) Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 16 Ill. Reg. 11313, effective July 1, 1992)

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Section 2762.20 Definitions

"Federal Regulation" - Regulations promulgated by the United States Department of Education (ED) and codified at 34 CFR 653 (198690). See: --51-Fed.-Reg.-35582-(1986)-

"Qualified Applicant" - An Applicant who meets the requirements of Section 2762.30(b).

"Scholar" - An individual who has received scholarship assistance under this Part.

"Teacher Education Program" - An undergraduate postsecondary course of study which, upon completion, qualifies a student to be certified as a pre-school, elementary or secondary teacher by a state board of education or its equivalent (including the Illinois State Board of Education). For the purposes of a student who has completed less than four semesters/six quarters of postsecondary study, this includes a postsecondary course of study which leads to a Teacher Education Program.

(Source: Amended at 16 Ill. Reg. 11313, effective July 1, 1992)

Section 2762.30 Scholar Eligibility

- a) ISAC shall accept applications to be a Paul Douglas Teacher Scholar in accordance with Section 2762.40.
- b) From among the timely Applicants, ISAC shall identify the Qualified Applicants. A "Qualified Applicant" is defined as an individual who meets the requirements of this subsection.
 - 1) A Qualified Applicant must be a United States Citizen or an Eligible Noncitizen, and a Resident of Illinois.
 - 2) A Qualified Applicant must be a high school graduate who:
 - A) graduated in the top ten percent of his/her graduating class; or
 - B) received a General Educational Development (GED) test score recognized by the General Educational Development Testing Service as the equivalent to ranking in the top ten percent of the United States' high school graduates.
 - 3) A Qualified Applicant must be Enrolled, or accepted for enrollment, as an undergraduate student in a Teacher Education Program.

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- A) The Applicant must be Enrolled or accepted for enrollment on a Full-time basis in accordance with the Institution's Satisfactory Academic Progress Policy.
- B) Enrollment must be with a postsecondary Institution that is approved by the Department of Education to participate in the Monetary-Award-Program-(MAP).--See: 23-111--Adm.--Code--2735 federal student assistance programs. (See, e.g., 34 CFR 600.10, 600.20, 668.12.)
- C) Applicants will be notified whether they are Qualified Applicants. A non-qualified applicant may appeal in accordance with 23 Ill. Adm. Code 2700.70.
- D) Recipients shall be selected from among the Qualified Applicants on the basis of the following criteria:
- 1) Postsecondary Academic Level. Awards will be made first to renewing applicants, then to all seniors, then to all juniors, then to all sophomores, and then to all freshmen.
 - 2) Institution Location. If there are insufficient funds to award scholarships to all Qualified Applicants, those enrolled in Illinois institutions will receive priority over Applicants attending out-of-state institutions.
 - 23) Shortage of Teachers. If there are insufficient funds to award scholarships to all Qualified Applicants within a given Academic Level, awards will be made first to all Applicants Enrolled in an academic discipline in which Illinois has a shortage of teachers, as determined annually by the Illinois State Board of Education. (See: 23 Ill. Adm. Code 54. Subpart D.) Funds will next be awarded to Applicants at the same Academic Level in nonshortage disciplines.
 - 34) Congressional Methodology Family Contribution (CMFC). If funds are insufficient to make awards to all Applicants in shortage disciplines or to all Applicants in non-shortage disciplines, within an Academic Level, Applicants will be ranked in order of the Applicant's CMFC, from lowest to highest. (See: Section 2762.40(b); Title IV, Part F of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1087kk).) Awards will be made within the relevant group in order of increasing CMFC.
 - E) A Scholar shall receive a scholarship renewal provided the Scholar continues to meet the requirements of subsections (b)(1) and (3).

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No Scholar may receive more than eight semesters/twelve quarters of scholarship assistance. A Scholar shall not receive a scholarship renewal if the Scholar remains at the same academic level for more than two years.

- F) The total number of Scholars selected is contingent upon the available funds and the number of scholarship renewals. All scholarships and scholarship renewals are contingent upon sufficient appropriation.

(Source: Amended at 16 Ill. Reg. 11313, effective July 1, 1992)

Section 2762.40 Program Procedures

- A) Applications for the Paul Douglas Teacher Scholarship Program are available from: approved High Schools in Illinois; offices of Congressional Representatives from the State of Illinois; offices of ISAC in Springfield, Chicago, and Deerfield, and; postsecondary Institutions throughout Illinois.
- B) A completed application must be received in ISAC's Deerfield office on or before June 1 preceding the Academic Year for which the scholarship would be available except that Applicants who would be utilizing the scholarship at the freshman Academic level must submit a completed application on or before August 1 preceding the Academic Year for which the scholarship would be available.
- 1) All first-time Applicants must also apply for a Monetary-Award Program--(MAP) Federal Pell Grant for the purpose of determining CMFC. (See: 23-111--Adm.--Code-2735 20 U.S.C.A. 1070a.)
 - 2) First-time Applicants must also provide their postsecondary Institution a copy of their high school transcript or any other documentation which verifies rank in class upon high school graduation. The Institution shall certify to ISAC whether the Applicant is a Qualified Applicant as defined at Section 2762.30(b).
 - C) A congratulatory letter shall be sent to each Qualified Applicant who is selected as a Scholar. A listing of Scholars shall be made available to Institutions, members of Congress, and to the media.
 - D) Renewal applications are mailed annually to eligible Scholars and must be submitted to ISAC before the deadline stated on the Renewal application.
 - E) Prior to receiving scholarship assistance for any Academic Year, the

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Scholar must sign a Teaching Commitment Agreement/Promissory Note, at the financial aid office of the postsecondary institution the scholar is attending:

- 1) The Institution shall submit the signed Teaching Commitment Agreement/Promissory Note to ISAC, with a Payment Request Form
- 2) The Teaching Commitment Agreement/Promissory Note shall require the Scholar to either:

A) to fulfill the teaching requirements within ten years after completing the postsecondary education degree program for which the scholarship was awarded, or

B) to repay all or part of the scholarship, plus interest, as provided by Federal Regulations. (See: 34 CFR 653.42 (c)(1).) The teaching requirement is prorated based upon whether the student received the scholarship for a semester or quarter rather than a full academic year.

- 3) The Teaching Commitment/Promissory Note shall include a stipulation that the Scholar teach on a full-time basis for a period of not less than two years for each year of assistance received and a stipulation that teaching time shall be reduced to one-half if performed in a geographic area or an academic discipline certified as a "teacher shortage area" by the U.S. Secretary of Education.

f) Scholarship Amount

- 1) In accordance with this subsection, the Scholar's postsecondary institution shall compute the size amount of the scholarship and shall submit a Payment Request Form. The Scholar must have reviewed and signed the Payment Request Form.

- 2) Except as otherwise provided in this subsection, scholarships shall be in the amount of \$5,000 if the student is enrolled for the full Academic Year. The maximum scholarship for one semester is \$2,500; the maximum scholarship for one quarter is \$1,666.67.

- 3) If a Paul Douglas Teacher Scholarship, when added to the amount the Scholar is to receive for the same Academic Year under Title IV of the Higher Education Act of 1965, as amended, (20 U.S.C.A. 1070 et seq.), would exceed the Scholar's cost of attendance, as defined at Section 472 of the Higher Education Act of 1965 (20 U.S.C.A. 108711), as amended,

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the Institution shall reduce the scholarship by the amount in which the combined awards would exceed the Scholar's cost of attendance.

- 4) In any Academic Year in which the Scholar accepts financial assistance through the Teacher Shortage Scholarship Program, or the Mathematics or Science Teacher Scholarship Program (See: 23 Ill. Adm. Code 54: "Fellowship, Traineeship and Scholarship Programs"), or the Minority Teachers of Illinois Scholarship Aid Program (see: 23 Ill. Adm. Code 2763), the Scholar shall not be eligible for scholarship assistance under this Part.

- 5) A Scholar may receive grant assistance under the Monetary Award Program (23 Ill. Adm. Code 2735) only up to the amount by which the Scholar's cost of attendance exceeds the amount of the scholarship.

- g) Scholarship funds are applicable towards two semesters/three quarters of full-time study within an Academic Year. Upon receipt of scholarship funds, the Institution shall verify that the Scholar continues to be Enrolled. The Institution may then credit scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the Scholar. If the Scholar has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to ISAC for the semester(s) or quarter(s) not attended.

(Source: Amended at 16 Ill. Reg. 11313, effective July 1, 1992)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: State Scholar Program

2) Code Citation: 23 Ill. Adm. Code 2760

3) Section numbers: Adopted Action:

2760.5 amendment
2760.10 amendment
2760.30 amendment
2760.40 amendment

4) Statutory Authority: Implementing Sections 30-15.5 and 30-15.6 and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.5, 30-15.6, and 30-15.4).

5) Effective Date of Rule(s) Amendments: July 1, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 19, 1992.

9) Notice(s) of Proposal Published in Illinois Register:

March 20, 1992, 16 Ill. Reg. 4483

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposed and final version:

There were no substantive changes between the proposed and final versions of this Part. Technical and grammatical changes were made for clarification, citations were updated to include the most recent edition available in the offices of the Illinois Student Assistance Commission, and some citations were modified for consistency throughout the Part.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments. Section 2760.30(1) was added in response to P.A. 87-689, which became effective on July 1, 1991, and extended State Scholar eligibility to those students who achieved scores at or above the 95th percentile on the American College Testing (ACT) standardized testing examination. Similarly, Section 2760.40(f) was deleted in response to the same Public Act which repealed the automatic state scholar designation for students attending specific schools having selective academic criteria for admission, without regard to class rank.

16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2760

STATE SCHOLAR PROGRAM

Section

2760.5

Summary and Purpose

2760.10

Selection Criteria

2760.30

Testing and Class Ranking of Students to be Considered for Program

2760.40

Other Information

AUTHORITY: Implementing Sections 30-15.5 and 30-15.6 and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.5, 30-15.6, and 30-15.4).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992.

Section 2760.5 Summary and Purpose

- a) The State Scholar Program publicly and personally identifies graduating high school seniors who possess superior academic potential. Each student named a State Scholar receives a Certificate of Achievement and statewide recognition in the news media. The Illinois Student Assistance Commission (ISAC) provides the names of State Scholars to Illinois colleges and universities which actively seek State Scholars for admission. No financial assistance is awarded by the ISAC through this program.
- b) This Part establishes Rules which govern the State Scholar Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended 16 Ill. Reg. 11321, effective July 1, 1992)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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Section 2760.10 Selection Criteria

- a) The State Scholar Program designates high school seniors as State Scholars if Applicants; demonstrate superior academic potential as measured by test scores and high school records; are Citizens of the United States or Eligible Non-citizens; are Residents of the State of Illinois; and possess Good Moral Character. To be eligible for State Scholar designation, Applicants must rank in the upper half of their class.
- b) For the purposes of this Part, "Good Moral Character" is defined as a student's personal record of conduct, determined by the high school to be in keeping with school and community standards. High schools which withhold their certification of students for reasons of "moral character" shall have the responsibility of explaining their positions, in writing, to parties which have a proper and valid interest in this information.

(Source: Amended at 16 Ill. Reg. 11321, effective July 1, 1992)

Section 2760.30 Testing and Class Ranking of Students to be Considered for Program

- a) To be considered for the State Scholar Program, a student must take either the American College Testing (ACT) Assessment or the Scholastic Aptitude Test (SAT), during his/her fifth or sixth semester. Students planning to be graduated in other than the traditional four years must take such examination in an equivalent Term; e.g., the three-year graduate must take the examination in the third or fourth semester.

- 1) A student may take either or both examinations during the designated period.
- 2) All scores from such tests taken during the designated period must be submitted to ISAC.
- 3) If a student submits scores from any two examinations taken during the designated period, ISAC will use the higher of the two scores.
- 4) If the student submits scores from more than two examinations, taken during the designated period, ISAC will disregard the lowest score and use the average of the remaining scores.
- 5) When a student submits scores to ISAC, the student must report his/her Academic Level at the time the test was taken.

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- b) ISAC will accept supplementary score reports of tests taken during the designated period upon the student's authorization to the test service. Such authorization by the student must be received by ISAC before August 1.
- c) Students who, for any reason, are unable to take a test on a regular testing date should make special arrangements to be tested in accordance with the procedures of the testing service. Any such special arrangements must take into account the test score submission deadline in subsections (a) and (b).
- d) High Schools shall provide to ISAC the sixth semester class ranks of students who desire to be considered for the State Scholar Program.
- 1) Class ranks are to be calculated so that the class rank for the lowest Grade Point Average (GPA) equals the total number of students being ranked.

Example:

Class Rank	GPA
1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent Term rank shall be provided for students planning to be graduated in other than the traditional four years; for example, ranks for three-year graduates shall be as of the fourth semester.

- e) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:

- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) The Scholastic Aptitude Test Scores shall become the Illinois Standard Test Score after first multiplying the SAT verbal score by 2, adding that result to the SAT math score, then using the table below for SAT 2V + M.

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Illinois Standard Test Score Table

Illinois Standard Score	SAT 2V+ M	ACT Composite
36	-----	36
35	2280 to 2400	35
34	2200 to 2270	34
33	2090 to 2190	33
32	2000 to 2080	32
31	1920 to 1990	31
30	1830 to 1910	30
29	1750 to 1820	29
28	1680 to 1740	28
27	1610 to 1670	27
26	1550 to 1600	26
25	1480 to 1540	25
24	1430 to 1470	24
23	1380 to 1420	23
22	1340 to 1370	22
21	1300 to 1330	21
20	1250 to 1290	20
19	1210 to 1240	19
18	1170 to 1200	18
17	1140 to 1160	17
16	1100 to 1130	16
15	1060 to 1090	15
14	1010 to 1050	14
13	960 to 1000	13
12	910 to 950	12
11	870 to 900	11
10	820 to 860	10
9	810 and below	9

- f) High School class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:

$$\text{Percentile} = \left[\frac{\text{Size of Class MINUS (Rank in Class minus .5)}}{\text{Size of Class}} \right] \times 100$$
- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

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Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.53 - 99.74	29
99.19 - 99.52	28
98.62 - 99.18	27
97.79 - 98.61	26
96.41 - 97.78	25
94.53 - 96.40	24
91.93 - 94.52	23
85.50 - 91.92	22
84.14 - 85.49	21
78.82 - 84.13	20
72.58 - 78.81	19
65.56 - 72.57	18
57.93 - 65.55	17
50.00 - 57.92	16

g) An Illinois Weighted Selection Score for each student shall be computed by multiplying the Illinois Standard Test Score by two, and adding that result to the Illinois Standard Rank Score.

h) In any Academic Year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.

i) Notwithstanding the previous provisions in this Part, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the American College Testing (ACT) standardized assessment examination, or the equivalent thereof on a comparable examination.

(Source: Amended at 16 Ill. Reg. 11321, effective July 1, 1992)

Section 2760.40 Other Information

- a) High School officials or student Applicants shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70.)
- b) A Certificate of Achievement and congratulatory letter shall be sent to each State Scholar.
- c) A listing of State Scholars shall be available to colleges, high schools, members of the General Assembly, and to the media.

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d) If an appeal concerning an Applicant's eligibility is received, ISAC shall request the high school to verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Such requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.

f)-----Contrary provisions of this Part notwithstanding, an Applicant who is enrolled at the Illinois Mathematics and Science Academy shall be designated a State Scholar provided the Applicant has reported to ISAC (pursuant to Section 2760.30) a test score equal to or greater than an Illinois Standard Score of 29.

(Source: Amended at 16 Ill. Reg. 11321, effective July 1, 1992)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Student to Student (STS) Program of Matching Grants
- 2) Code Citation: 23 Ill. Adm. Code 2770
- 3) Section numbers: Adopted Action:
2770.10 renumbered, new
2770.20 added
2770.30 renumbered, amendment
- 4) Statutory Authority: Implementing and authorized by Section 2 of the Student-to-Student Grant Act (Ill. Rev. Stat. 1989, ch. 144, par. 272, as amended by P.A. 86-1445, effective January 1, 1991).
- 5) Effective Date of Rule(s) Amendments: July 1, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: June 19, 1992.
- 9) Notice(s) of Proposal Published in Illinois Register:
March 20, 1992, 16 Ill. Reg. 4491
- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposed and final version:
Statutory definitions were added to the text of Section 2770.20, in response to a suggestion from the Joint Committee on Administrative Rules. There were no other substantive changes between the proposed and final versions of this Part, other than the technical changes which were made for clarification.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: ISAC annually reviews its rules in order to respond to market changes and client suggestions, implement state and federal statutory changes, and resolve and/or clarify issues that have

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NOTICE OF ADOPTED AMENDMENTS

arisen during the previous year. In addition to correcting typographical and grammatical errors throughout this Part, ISAC adopted the following substantive amendments. Section 2770.10 now contains the summary and purpose of this Part so that it appears in a format similar to all other ISAC rules. Section 2770.20 was added to define the terms used within this Part. Section 2770.30 includes the provisions that were previously located in section 2770.10 and embodies changes that were made in response to P.A. 86-1444, which became effective on January 1, 1991.

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, IL 60015
(708) 948-8500

The full text of the Adopted Rules Amendments begin on the next page.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2770

STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS

Section

2770.10

Summary and Purpose (renumbered)

2770.20

Definitions

2770.30

Program Procedures and Requirements (renumbered)

AUTHORITY: Implementing and authorized by the Student-to-Student Grant Act (Ill. Rev. Stat. 1989 and 1990 Supp. ch. 144, par. 271 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 6, p. 221, effective January 30, 1980; codified at 7 Ill. Reg. 9925; transferred from Chapter IX, 23 Ill. Adm. Code 1770 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2770 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17869; amended at 16 Ill. Reg. 11329, effective July 1, 1992.

Section 2770.10 Program Procedures and Requirements Summary and Purpose (renumbered)

a) Student to Student matching grants are available for Scholarship Programs established by student organizations at state-supported Colleges and Universities.

b) This Part establishes Rules that govern the Student to Student (STS) Program of Matching Grants. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined Terms are indicated by the first letter being capitalized.

(Source: Section 2770.10 renumbered to 2770.30, new section 2770.10 adopted at 16 Ill. Reg. 11329, effective July 1, 1992)

Section 2770.20 Definitions

"College or University" - means any of the State-supported Institutions of higher learning administered by the Board of Trustees of the University of Illinois, the Board of Regents of Southern Illinois University, the Board of Regents of Regency Universities, the Board of Governors of State Colleges and Universities or the boards of trustees of public community college districts as established and defined by the Public Community College Act. (Section 1 of the Student-to-Student Grant Act (Ill. Rev. Stat. 1990 Supp., ch. 144, par. 271).)

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"Scholarship Program" - means a program established for undergraduate scholarships at a college or university in this State and for which the students raise funds from voluntary contributions from students. (Section 1 of the Student-to-Student Grant Act.)

"Voluntary Contribution" - includes fees collected from students by college or university officials when such fee is optional or refundable to students and has been approved by a majority of those voting in a campus-wide referendum of students. (Section 1 of the Student-to-Student Grant Act.)

(Source: Added at 16 Ill. Reg. 11329, effective July 1, 1992)

Section 2770.30 Program Procedures and Requirements (renumbered)

a) An eligible program is an organized, need-based monetary awards (gift assistance) program for undergraduate students at an Illinois College or public university. The funds for such programs must be derived from voluntary contributions raised by students from students of that College or university according to a plan developed and approved by the students and consistent with College or university policies.

b) Voluntary contributions can be obtained from graduate students; the assistance program, however, can aid only undergraduates. A portion of the total contribution can be used to aid graduate students. Funds set aside for graduate students will not be matched by the Commission.

c) The approval by the students shall approve of the plan for raising voluntary contributions may be by referendum, or by-student government, (if elected by popular student vote) or other similar general means authorizing a plan in the name of the student body.

d) The contributions, to be eligible for matching funds, must be voluntary (as contrasted to a non-refundable fee or charge). Only those voluntary contributions made by enrolled students of the College or university are eligible for matching. If any fund raising activity yields contributions from other individuals or organizations, the voluntary contributions by enrolled students must be clearly identifiable.

e) Particular care must be employed in implementing contribution plans that generate contributions from non-students. The law leaves no latitude in this regard. Special cash receipt systems must be used to make certain that student contributions are clearly identifiable.

f) No eligible contribution can exceed \$9.00 per academic year.

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NOTICE OF ADOPTED AMENDMENTS

- g) The \$1,000 annual limit on a Student-to-Student STS award shall be applicable to all terms including the summer term.
- h) Only students who demonstrate need by some nationally recognized needs analysis system can be considered for STS matching grants.
- i) STS funds can be used for undergraduates who are otherwise eligible for an ISAC monetary award but have completed their ten (10) semesters or fifteen (15) quarters of entitlement eligibility.
- j) Each institution desiring to participate in this program shall inform the ISAC, annually in writing, by the deadline specified by the Commission. The method of seeking student approval of a fund raising plan shall be included in such letter.
- k) A claim for matching funds can be submitted to ISAC by dates specified by the Commission. The initial claim shall include:
- 1) the amount of the claim;
 - 2) how general student approval was obtained;
 - 3) how funds were collected;
 - 4) the steps employed to insure that student contributions were voluntary; and
 - 5) documentation that the claim includes only voluntary contributions by enrolled students.
- l) A supplementary claim can be filed after a filing date for the purpose of adjusting a regular claim filed earlier.
- m) A pro-rata distribution, if any, will be determined in accordance with general Commission action.
- n) After the ISAC has reviewed a claim and computed the proration, the ISAC shall process the necessary voucher for a check payable to the College or University for the awards.
- o) Each participating College or University shall submit to the Illinois-Student Assistance Commission ISAC an annual report, by not later than September 15, following the award year, of the activities, operations, and results of its STS grant program.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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The ISAC shall forward a copy of such report to the Illinois Board of Higher Education.

(Source: Section 2770.30 renumbered from 2770.10 and amended at 16 Ill. Reg. 11329, effective July 1, 1992)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Number:
148.80
Emergency Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, Ch. 23, Par. 12-13)
- 5) Effective Date of Amendments: June 30, 1992
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed in Agency's Principal Office: June 30, 1992

8) Reason for Emergency: These emergency amendments are being filed in order to make reimbursement immediately available for the provision of medically necessary care for eligible public assistance recipients. The Department has recently become aware of such a recipient who is in need of a pancreas transplant. Currently, the Department only provides coverage for organ transplant services involving bone marrow, heart and liver transplantation. Since the Department is now aware of the need for coverage for pancreas transplant services, it has been determined that the health and welfare of persons affected by this rulemaking could be adversely impacted if coverage for pancreas transplant services were not immediately available.

9) Complete Description of the Subjects and Issues Involved: Amendments are being proposed to Section 148.80, regarding pancreas transplant services. Currently, the Department covers organ transplant services for bone marrow, heart and liver transplantation.

Criteria have been developed which must be met by a hospital in order to be certified as a transplant center providing pancreas transplant services. These criteria were developed in response to the need of a public assistance recipient for a pancreas transplant, and with the assistance of the State Medical Advisory Committee. The Department will cover the costs of pancreas transplants in a hospital which meets the Department's requirements for certification, annual certification renewal, and the annual survival rates proposed in these amendments.

The aggregate annual budgetary effect on the Department, resulting from these proposed amendments is unknown. However, the budgetary effect is expected to be minimal since only one hospital currently qualifies for pancreas transplant certification.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 10) Are there any Proposed Amendments pending to this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
148.140	Amendment	January 31, 1992 (16 Ill. Reg. 1786)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding this Amendments shall be directed to:

Name:	Joanne Jones Bureau of Rules and Regulations
Address:	Illinois Department of Public Aid Jesse B. Harris Building II 100 South Grand Avenue East, 3rd Floor Springfield, Illinois 62762
Telephone:	217/524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	Hospital Services
148.10	Participation
148.20	General Requirements
148.30	Special Requirements
148.40	Covered Hospital Services
148.50	Hospital Services Not Covered
148.60	Limitation On Hospital Services
148.70	Organ Transplants Services Covered Under Medicaid
148.80	
EMERGENCY	
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Uncompensated Care Payment Adjustment for Nondisproportionate Share Hospitals
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over 3 Million
148.170	Payment Methodology for State-Owned Hospitals in a County with a Population of Over 3 Million
148.180	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Prepayment and Utilization Review
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Costs Per Diem Rates For All Hospitals and Payment Rates for Certain Exempt Hospital Units
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments
148.300	Payment
148.310	Review Procedure
148.320	Alternatives

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

148.330	Exemptions
148.340	Subacute Alcoholism and Substance Abuse Treatment Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse Treatment Services
148.368	Volume Adjustment (Repealed)
148.370	Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.373	Utilization (Repealed)
148.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 19891991, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 19891991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.80 Organ Transplants Services Covered Under Medicaid
EMERGENCY

a) Introduction

The Department of Public Aid will cover organ transplants as identified under subsection (b) which are provided by certified organ transplant centers which meet the requirements specified in subsections (c) through (h).

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 148.80 (continued)

b) Covered Services

- 1) Bone Marrow, heart, es-liver, or pancreas/pancreas-kidney transplantation excluding bone marrow searches.
- 2) Other types of transplant procedures may be covered when a hospital has been certified by the Department as a transplant center eligible to perform such transplants. Centers must complete the certification process established in Section 148.80(c) and provide the necessary documentation of the number of transplant procedures performed and the survival rates.
- 3) Medically necessary work-up and evaluation up to three (3) days prior to transplantation.

c) Certification Process

- 1) In order to be certified to receive reimbursement for transplants performed on Medicaid patients, the hospital must:
 - A) Request an application from the Bureau of Hospital Services;
 - B) Submit a completed application to the Department for the type of transplant for which the center is seeking certification;
 - C) Meet certification criteria established in subsection (d), based upon review and recommendation of each application by the State Medical Advisory Committee (SMAC); and
 - D) Submit a detailed status report on each patient for the type of transplant for which the hospital is seeking certification. Such reports must include the date of transplant, the length of hospitalization, charges, survival rates, patient-specific transplant outcome, and complications (including cause of death, if applicable) for all transplants performed for the two years preceding the date of the application. To protect the privacy of patients included in this report, names of Medicaid and non-Medicaid patients are not required.
- 2) The Department shall notify the hospital of approval or denial of the hospital as a transplant center for Medicaid eligible patients.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 148.80 (continued)

d) Certification Criteria

- 1) Hospitals seeking certification as a transplant center shall submit documentation to verify that:
 - A) The hospital is located in the State of Illinois or the city of St. Louis, Missouri;
 - B) The hospital is a tertiary care hospital capable of providing all necessary medical care required by the transplant patient;
 - C) The hospital is affiliated with an academic health center;
 - D) The hospital has had the transplant program in operation for at least three years with twelve transplant procedures per year for the past two years and twelve cases before that for adult heart and liver transplants and for adult and pediatric bone marrow transplants;
 - E) A hospital specializing in pediatric heart and/or liver transplants must have a program in operation for at least three years and must have performed a minimum of six transplant procedures per year for the past two years, and six before that;
 - F) The hospital has had the transplant program in operation for at least three years with 25 transplant procedures per year for the past two years and 25 cases before that for kidney transplants, and five transplant procedures per year for the past two years and five before that for pancreas transplants, or twelve transplant procedures per year for the past two years and twelve before that for kidney/pancreas transplants;
 - F+G) The hospital has experts, on staff, in the fields of cardiology, anesthesiology, immunology, infectious disease, nursing, social services, organ procurement, associated surgery and internal medicine to complement the transplant team. In addition, in order to qualify as a transplant center for pediatric patients, the hospital must also have experts in the field of pediatrics;
 - G+H) The hospital has an active cardiovascular medical and surgical program as evidenced by the number of cardiac

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 148.80(d)(1)(H) (continued)

catheterizations, coronary arteriograms and open heart procedures per year for heart transplant candidates;

H) The hospital has pathology resources that are available for studying and reporting the pathological responses for transplantation;

I) The hospital complies with applicable State and Federal laws and regulations;

J) The hospital participates in a recognized national donor procurement program, abides by its rules, and provides the Department with the name of the national organization of which it is a member;

K) The hospital has an interdisciplinary body to determine the suitability of candidates for transplantation;

L) The hospital has blood bank support necessary to meet the demands of a certified transplant center; and

M) The hospital meets the applicable transplant survival rates as supported by the Kaplan-Meier method or other method accepted by the Department:

i) A one-year survival rate of 50 percent for bone marrow transplant patients;

ii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for heart transplant patients;

iii) A one-year survival rate of 75 percent and a two-year survival rate of 60 percent for liver transplant patients.

iv) A one-year survival rate of 90 percent for kidney transplant and a one-year survival rate of 80 percent for pancreas transplant; or a one-year survival rate of 80 percent for kidney/pancreas transplant.

2) The commitment of the hospital to support the transplant center must be at all levels as evidenced by such factors as financial resources, allocation of space and the support of the

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 148.80(d)(2) (continued)

professional staff for the transplant program and its patients. The hospital must demonstrate that:

A) Component teams are integrated into a comprehensive transplant team with clearly defined leadership and responsibility;

B) The hospital safeguards the rights and privacy of patients;

C) The hospital has adequate patient management plans and protocols to meet the patient and hospital's needs.

3) The hospital must identify, in writing, the director of the transplant program and the members of the team as well as their qualifications. Physician team members must be identified as board certified, in preparation for board certification, or pending board certification, and the transplant coordinator's name must be submitted.

4) The hospital must provide patient selection criteria including indications and contraindications for the type of transplant procedure for which the facility is seeking certification.

e) Recertification Process/Criteria

1) The Department will conduct an annual review for certification of transplant centers. A certified center must submit documentation established under subsections (c), (d), (f) and (h) for review by the Department's State Medical Advisory Committee for recertification as a transplant center.

2) Survival rates of previous transplant patients must be documented prior to certification. The center must maintain patient volume in the year of certification based on previous transplant statistics.

3) The Department shall notify the hospital of approval or denial of the recertification of the hospital as a transplant center.

f) Notification of Transplant

1) The hospital must notify the Department prior to performance of the transplant procedure. The notification letter must be from a physician on the transplant team.

NOTICE OF EMERGENCY AMENDMENTS

Section 148.80(f) (continued)

- 2) The notification must include the admission diagnosis, pre-transplant diagnosis and the initial work-up summary of medical findings.
- 3) The Department shall notify the hospital regarding receipt of the notification and provide the appropriate "patient tracking" forms to the hospital.

g) Reimbursement

- 1) Hospital services rendered for transplant procedures under this Section are exempt from the provisions of Sections 148.240 through 148.330 and Part 149 of the Department's administrative rules governing hospital reimbursement. Hospital reimbursement for transplants covered within Section 148.80 is an all-inclusive rate for the admission, regardless of the number of days of care associated with that admission, which is limited to a maximum of 60 percent of the hospital's usual and customary charges to the general public for the same procedure for the number of days listed below for specific types of transplants:

- A) Three days of pre-operative inpatient work-up; and
 - B) A maximum 30 consecutive days of post-operative inpatient care for heart, pancreas, or kidney/pancreas transplant; or
 - C) 40 consecutive days of inpatient care for liver transplant; or
 - D) 50 consecutive days of inpatient care for bone marrow transplant; or
 - E) For those transplants covered under subsection (b)(2), the number of consecutive days of inpatient care specified within the transplant certification process.
- 2) Reimbursement will be approved only when the Department's letter acknowledging the notification of the transplant procedure is attached to the hospital's claim.
 - 3) Applicable disproportionate share payment adjustments shall be made in accordance with 89 Ill. Adm. Code 148.120(g). Applicable outlier adjustments shall be made in accordance with 89 Ill. Adm. Code 148.130(d).

NOTICE OF EMERGENCY AMENDMENTS

Section 148.80(g) (continued)

- 4) The rate will not include transportation and physician fees when reimbursed pursuant to 89 Ill. Adm. Code 140.410 through 140.414 and 89 Ill. Adm. Code 140.490 through 140.492, respectively.

h) Reporting Requirements of Certified Transplant Center

The following documentation must be submitted within the time limits set forth in this subsection.

1) Patient Tracking

- A) The center must submit annually a statistical summary including information for all patients having received transplants at the transplant center. Patients not covered by Medicaid may be identified numerically or by other means identified by the hospital, to protect patient confidentiality. The summary must include, but is not limited to, short and long term outcome on all patients.
- B) The discharge summary for each Medicaid patient must be received by the Department within thirty days of the patient's discharge.
- C) The annual outcome summaries for each Medicaid patient must be received by the Department within thirty days of the annual patient post-transplant evaluation.
- D) For those Medicaid patients who expire, a summary must be received by the Department within thirty days of the patient's death.

2) Notification of Changes

The center must notify the Department within thirty days of any changes in its program including, but not limited to, certification criteria, patient selection criteria, members of the transplant team and the coordinator.

(Source: Emergency Amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days)

ILLINOIS RURAL BOND BANK

NOTICE OF EMERGENCY AMENDMENT

1) Heading of Part: Application Process for Governmental Units

2) Code Citation: 47 Ill. Adm. Code 410

3) Section Number: Emergency Action:
410.109 Amendment

4) Statutory Authority: Implementing and Authorized by Sections 2-7 and 2-8 of the Illinois Rural Bond Bank Act (Ill. Rev. Stat. 1991 ch. 17, par. 7202-7, 7202-8).

5) Effective Date of Rules: June 24, 1992

6) If This Emergency Rule is to Expire Before the End of the 150-Day Period, Please Specify the Date on Which it is to Expire:
No predetermined Date.

7) Date Filed in Agency's Principal Office: June 24, 1992

8) Reason for Emergency: The Illinois Rural Bond Bank transferred to the general revenue fund a portion of its funds. This transfer causes the current fee schedule to be inadequate to cover the Bond Bank's operating expenses. A new fee schedule must be implemented immediately to allow applicants for the Bank's next bond issue to be aware of the new fees.

9) A Complete Description of the Subjects and Issues Involved:
The rule allows flexibility in establishing fees for the Rural Bond Bank. The Bank is intended to be self financing. Fees must be adjusted from time to time to cover changes in operating costs.

10) Are There Any Proposed Rules to This Part Pending? No

11) Statement of Statewide Policy Objectives: This emergency amendment implements State policy of requiring bond issuing authorities to be self sustaining.

12) Time, Place and Manner Which Interested Persons May Comment on This Proposed Rulemaking: Interested parties may submit comments, data, views, or arguments concerning this rulemaking in writing to: Don Norton, Executive Director, Illinois Rural Bond Bank, 427 East Monroe, Suite 202, Springfield, Illinois 62701. PH# (217) 524-2663

The full text of the Emergency Rule begins on the next page:

ILLINOIS RURAL BOND BANK

NOTICE OF EMERGENCY AMENDMENT

TITLE 47: HOUSING & COMMUNITY DEVELOPMENT
CHAPTER III: ILLINOIS RURAL BOND BANK

PART 410

APPLICATION PROCESS FOR GOVERNMENTAL UNITS

SECTION

410.101 General Description
410.102 Applicant Eligibility
410.103 Pre-Filing Stage
410.104 Filing of Application
410.105 Approval of Application
410.106 Denial of Application
410.107 Priority of Application
410.108 Source of Payment and Nature of Obligation
410.109 Fees
EMERGENCY

AUTHORITY: Implementing and authorized by the Illinois Rural Bond Bank Act, Section 2-7 and 2-8 (Ill. Rev. Stat. 1991, ch. 17, par. 7202-7, 7202-8).

SOURCE: Emergency Rule adopted at 14 Ill. Reg. 4712 effective March 9, 1990, for a maximum of 150 days; expired August 6, 1990; adopted at 14 Ill. Reg. 17357, effective October 9, 1990; emergency amended at 16 Ill. Reg. 11345, effective June 24, 1992, for a maximum of 150 days.

ILLINOIS RURAL BOND BANK

NOTICE OF EMERGENCY AMENDMENT

Section 410.109 Fees
EMERGENCY~~a) The Bank charges the following fees:~~~~1) Application Fee - Submitted with application and not refundable.~~

- ~~a) \$250.00 on issues up to but not including \$1,000,000 principal amount;~~
- ~~b) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 on principal amount;~~
- ~~c) \$1,000.00 on issues of \$5,000,000 principal amount and over.~~

~~(This fee will be credited to the Administrative Charge upon approval of the application.)~~

~~2) Administrative Charge - 1/4 of 1% of the principal amount of bonds issued or \$10,000 whichever is less - payable following the bond closing.~~~~3) Annual Fee - Commencing January 1, 1990, the Annual Fee shall be 2/100th of 1% of the original amount of the bond issue.~~~~b) These fees are designed to cover the operating expenses of the Bank.~~~~a) The Board of Commissioners of the Illinois Rural Bond Bank shall, by resolution, establish the schedule of fees and charges of the Rural Bond Bank.~~~~b) Fees of the Rural Bond Bank are designed to cover the operating expenses of the Bank.~~~~c) The total amount to be charged for Costs of Issuance and Annual Fee for a bond issue shall not exceed the limits established by the Board of Commissioners of the Rural Bond Bank.~~

(Source: Emergency Amendment at 16 Ill. Reg. 11345 effective June 24, 1992, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

1) Rule Affected: Medical Payment (89 Ill. Adm. Code 140)

2) Publication of Rulemaking Requiring Correction:

Amendments to Section 140.569 which were proposed on November 8, 1991 (15 Ill. Reg. 15933) were adopted effective March 20, 1992. The notice of adopted amendments was published on April 17, 1992 (16 Ill. Reg. 6408). The published and filed texts of the adopted amendments failed to include amendments to Section 140.569 which were adopted effective November 22, 1991, and published on December 6, 1991 (15 Ill. Reg. 17733).

3) Agency Representative:

Questions or comments concerning this correction may be directed to Kenneth E. Mitchell, Chief, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Avenue East, Third Floor, Springfield, Illinois 62762. He may be contacted by telephone at (217) 524-3215.

4) Reason For Correction:

These corrections are "omissions . . . that create unintentional discrepancies between adopted rule text and text previously published in the Illinois Register" as provided at 1 Ill. Adm. Code 245.110(a) and Section 7.01(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1007.01(b)). The published and filed texts of Section 140.569 adopted effective March 20, 1992, failed to include previous amendments to Section 140.569 which were adopted effective November 22, 1991. This error created the unintentional discrepancies.

5) Date Request for Correction Was Approved by the Joint Committee on Administrative Rules: June 16, 1992

6) Effective Date of Correction: March 20, 1992. The effective date of the two sets of amendments will not be affected by the correction, since both sets of amendments were properly adopted effective November 22, 1991, and March 20, 1992, respectively. The inadvertent failure to include the first set of amendments in the text of the subsequent amendments will not affect the effective date. On that basis, the corrected text reflects the amendments as effective March 20, 1992.

7) The full text of the Section, indicating the corrections, follows:

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

Section 140.569 Clients With Exceptional Care Needs

a) Exceptional Care Program

1) Pursuant to Section 5-5A of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, par. 5-5A), the Department may make payments to nursing facilities which substantially meet licensure and certification requirements as may be prescribed by the Department of Public Health. For purposes of this Section, substantial compliance shall mean: compliance-with-eligibility standards-required-of-providers-under-the-Department's-GUIP program,--Section-140.525(b)+

A) facility does not have Type A violation(s);

B) facility is currently enrolled in the Medical Assistance Program;

C) facility is licensed by the Department of Public Health;

D) facility does not have a conditional license;

E) facility must provide reasonable access to Medicaid patients. Access will be considered reasonable when:

i) Medicaid recipients constitute at least 25% of the facility's average daily census; or

ii) the proportion of Medicaid recipients in the census has increased at least two percentage points over the previous year; or

iii) the facility can demonstrate that it admits patients without regard to income or Medicaid eligibility or to some other criteria which in essence prioritize admissions on the basis of financial resources. The basis for determining priority of admission must be expressed in policy. Records documenting consistent application of the policy must be maintained.

F) facility meets at least 92% of patient needs based on the last IOC assessment conducted.

2) The Department may, but is not required to, enter into contracts with facilities offering exceptional medical services, referred to herein as Providers.

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

Section 140.569(a) (continued)

3) Exceptional medical care is defined as the level of medical care required by persons who require a multi-disciplinary level of care for physician, nurse and ancillary specialist services with exceptional costs related to extraordinary equipment and/or supplies that have been determined to be a medical necessity. Beginning July 1, 1991, this may apply to Medicaid patients who are being discharged from the hospital or Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility. This includes but is not limited to persons with acquired immune deficiency syndrome (AIDS) or related condition, head-injured persons, and ventilator dependent persons. In order for a person to be assessed for exceptional care placement the hospital must be entitled to receive Medicaid reimbursement as the primary source of payment for this person.

4) The Department shall negotiate with nursing home providers and enter into a contract with providers. The rate of payment will be reasonable and adequate to meet the costs incurred by the facilities providing exceptional care. Providers may negotiate separate facility wide rates for separate types of care. In determining the rate of payment to a facility, the Department shall take into account cost information submitted by the facility.

b) Exceptional Care Contract Requirements

The Department may enter into a contract for exceptional care services only if the Provider agrees to the following conditions:

1) The Provider will maintain separate records regarding costs related to the care of the exceptional care residents, reporting them in the ancillary section of the Department Long Term Care Facility Cost Reports.

2) The facility must demonstrate the capacity and capability to provide exceptional care as documented by Department of Public Health and Department of Public Aid records.

3) The Provider must maintain and provide documentation demonstrating:

A) Adherence to staffing requirements as set out in subsection (c);

B) Adherence to staff training requirements as set out in

NOTICE OF EXPEDITED CORRECTION

Section 140.569(b)(3)(B) (continued)

subsection (d);

- C) Validity of written agreements as required in subsection (e);
- D) Presence of emergency policy and procedures as set out in subsection (f);

E) Medical condition of the resident; and

F) Care, treatments and services provided to the resident.

- 4) The Provider must have and maintain physical plant adaptations to accommodate the necessary equipment.

- 5) The Provider must have and maintain an emergency electrical backup system.

c) Exceptional Care Staffing Requirements

Staffing requirements for facilities providing exceptional care include:

- 1) A minimum of one RN on duty on the day shift, seven days per week (as required by the Department of Public Health and set out in 77 Ill. Adm. Code 300.1240 or 250.910(e) and (f)(1) as appropriate). Additional RN staff may be determined necessary by the Department of Public Aid, based on the Department's review of the individual exceptional care clients' needs and/or the exceptional care needs relative to the category of services being contracted for.
- 2) A minimum of the required number of LPN staff (as required by the Department of Public Health and set out in 77 Ill. Adm. Code 300.1230 and 300.1240 or 250.910(e) and (f)(1) as appropriate), on duty, with an RN on call, if not on duty on the evening and night shifts, seven days per week; and
- 3) A certified respiratory therapy technician or registered respiratory therapist, on staff or on contract with the facility, for those facilities serving ventilator dependent residents or residents requiring respiratory therapy services.
- d) Training requirements for facilities providing exceptional care for ventilator dependent residents include:

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

Section 140.569(d) (continued)

- 1) At least one of the full-time professional nursing staff members has successfully completed a course in the care of ventilator dependent individuals and the use of ventilators, conducted and documented by a certified respiratory therapy technician or registered respiratory therapist (as certified/registered by the Department of Professional Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons, and
- 2) All staff caring for ventilator dependent residents must have documented inservice training in ventilator care prior to providing such care. Inservice training must be conducted at least annually by a certified respiratory therapy technician or registered respiratory therapist (as certified/registered by the Department of Professional Regulation) or a qualified registered nurse who has at least one year experience in the care of ventilator dependent persons. Inservice training documentation shall include name and qualification of the inservice director, duration of presentation, content of presentation and signature and position description of all participants.

e) Exceptional Care Agreement Requirements

The Provider must have a valid written agreement with:

- 1) A medical equipment and supply provider which must include a service contract for ventilator equipment when accepting ventilator dependent residents;
- 2) A local emergency transportation provider;
- 3) A local hospital capable of providing the necessary care for equipment dependent residents, when appropriate; and
- 4) A certified respiratory therapy technician or registered respiratory therapist, (unless a respiratory therapist is on staff within the facility) when accepting ventilator dependent residents or residents requiring respiratory therapy services.
- f) Exceptional Care Emergency Policy and Procedures Requirements
- The Provider must have specific written policies and procedures addressing emergency needs for residents requiring exceptional care.
- g) Accessibility to Records

Section 140.569(g) (continued)

The Provider must make accessible to IDPA and/or IDPH all facility, resident and other records necessary to determine that the needs of the resident are being met and to determine the appropriateness of exceptional care services.

h) Contract Negotiations

- 1) A Provider shall notify the Department of its interest in participating in the Exceptional Care Program in writing by certified or registered mail, return receipt requested.
- 2) Negotiations between the Provider and the Department shall be conducted solely on an individual facility basis. Multiple facility negotiations shall not be permitted.
- 3) Prior to the beginning of negotiations, the Provider shall submit to the Department a completed Exceptional Care Data Sheet. The Department shall furnish such Data Sheet. The Exceptional Care Data Sheet shall require:

- A) Identification of the types, quantities and costs of services which the Provider intends to offer;
 - B) A staffing plan for the area of the facility serving exceptional care residents; and
 - C) Documentation of the qualifications of staff serving exceptional care residents.
- i) Renewal/Nonrenewal of Exceptional Care Contracts
- 1) Providers desirous of renewing exceptional care contracts must contact the Department in writing sixty (60) days prior to the expiration date of the contract to express their intent to renew the contract.
 - 2) Upon receipt of the Providers' intent to renew their contract, the Department shall open negotiations as set forth in subsection (h).

Section 140.569(i) (continued)

- 3) Providers desiring to terminate or not renew their contract shall notify the Department sixty (60) days prior to the date of termination or contract expiration. Payment for new admissions at an exceptional care rate will not be made to those Providers who do not have a valid exceptional care contract. Payment for exceptional care residents in facilities which terminate or do not renew their contracts will remain at the previous exceptional care rate until such time as the resident no longer requires exceptional care as determined by the Department's utilization review (see Contract Monitoring 2 and 3) or the resident is discharged.
- 4) It is the responsibility of a nursing home Provider to effect appropriate discharge planning for exceptional care residents when terminating or not renewing its contract. The Department agrees to assist Providers with any information available regarding appropriate placement settings.

j) Determining eligibility for exceptional care payment.

- 1) A person being discharged from a hospital must be approved by an authorized Department representative prior to placement in a facility to be eligible for exceptional care payment. Medicaid eligible residents transitioning from Medicare to Medicaid while in the nursing facility must be approved by an authorized Department representative approximately 30 days prior to the date Medicaid payment will begin.
 - 2) Beginning July 1, 1991, in order for a person to be approved for exceptional care placement the cost of the person's care must be at least 25% more than the proposed admitting facility's per diem rate (capital, support and nursing components). Eligible items which may be used in computing the cost of the person's care include nursing services costs, therapy services costs, and medical equipment and supply costs. Computations for determining cost of care shall be based upon maximum allowable costs for service equipment and supplies and HSA wage rates for the proposed admitting facility as determined by the Department.
- k) Provision for Patients for which a Long Term Care Placement is Unavailable

In the event placement for a patient in need of exceptional care services or skilled nursing services cannot be located, the Department shall approve payment to the hospital in which the patient

DEPARTMENT OF PUBLIC AID

NOTICE OF EXPEDITED CORRECTION

Section 140.569(k) (continued)

is receiving services. The rate of payment to the hospital shall not exceed the average statewide long term care facility per diem rate for the level of services provided.

1) Contract Monitoring

1) All utilization controls applied to exceptional care by the Department in accordance with the approved plan for medical services under Section 5-2 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, par. 5-2), and Title XIX of the Federal Social Security Act (42 U.S.C. 1396a) shall continue to apply to exceptional care provided under the Exceptional Care Program (Ill. Rev. Stat. 1989, ch. 111 1/2 par. 6503-5; Section 3-5 of the Health Finance Reform Act).

2) The Department shall provide for a program of delegated utilization review and quality assurance. The Department may contract with Medical Peer Review organizations to provide utilization review and quality assurance under any contract negotiated for exceptional care.

3) The Department shall review exceptional care residents' utilization of services every ninety (90) days. This review may be waived by Department Exceptional Care staff if at least 3 previous assessments show that a resident's condition has stabilized. Department Exceptional Care staff will maintain contact with the long term care facility regarding the resident's condition during the time period the assessment is waived.

4) In the event that it is determined that the resident is no longer in need of exceptional care services, the Department shall reduce the rate of payment to the Provider to the facility's standard Medicaid per diem rate.

(Source: Expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 24, 1992 through June 30, 1992, and have been scheduled for review by the Committee at its July 21, 1992 or August meeting at 10:00 a.m. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/7/92	Illinois Racing Board, Inter-Track Wagering Facilities (11 Ill Adm Code 435)	4/24/92 16 Ill Reg 6747	7/21/92
8/7/92	Illinois Racing Board, Licensing (11 Ill Adm Code 502)	4/24/92 16 Ill Reg 6751	7/21/92
8/7/92	Illinois Racing Board, Twin Trifecta Exchange (11 Ill Adm Code 440)	4/24/92 16 Ill Reg 6755	7/21/92
8/7/92	Illinois Racing Board, Approval of Racing Officials (11 Ill Adm Code 422)	4/24/92 16 Ill Reg 6742	7/21/92
8/7/92	State Board of Education, Reading Improvement Program (23 Ill Adm Code 260)	4/10/92 16 Ill Reg 5550	7/21/92
8/10/92	Carnival-Amusement Safety Board, Carnival and Amusement Ride Inspection Law (56 Ill Adm Code 6000)	4/10/92 16 Ill Reg 5399	7/21/92
8/10/92	Department of Conservation, Duck, Goose and Coot Hunting (17 Ill Adm Code 590)	5/8/92 16 Ill Reg 7189	7/21/92
8/10/92	Department of Conservation, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting (17 Ill Adm Code 530)	5/8/92 16 Ill Reg 7161	7/21/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
8/10/92	Department of Public Aid, Administration of Social Service Programs (89 Ill Adm Code 130)	5/1/92 16 Ill Reg 6931	7/21/92
8/10/92	Secretary of State, Literacy Grant Program (23 Ill Adm Code 3040)	5/8/92 16 Ill Reg 7321	7/21/92
8/10/92	Department of Professional Regulation, The Nursing Home Administrators Licensing and Disciplinary Act (68 Ill Adm Code 1310)	3/13/92 16 Ill Reg 3784	7/21/92
8/12/92	State Employees' Retirement System, The Administration and Operation of the State Employee's Retirement System of Illinois (80 Ill Adm Code 1540)	5/8/92 16 Ill Reg 7325	8/11/92
8/12/92	Department of Public Health, Retail Food Store Sanitation Code (77 Ill Adm Code 760)	4/10/92 16 Ill Reg 5861	8/11/92
8/12/92	Department of Public Health, Food Service Sanitation Code (77 Ill Adm Code 750)	4/10/92 16 Ill Reg 5836	8/11/92
8/12/92	Department of Public Health, Hospital Licensing Requirements (77 Ill Adm Code 250)	2/7/92 16 Ill Reg 2016	8/11/92
8/12/92	Department of Public Health, Uniform Retail Meat Identity, Repeal of (77 Ill Adm Code 770)	4/10/92 16 Ill Reg 5885	8/11/92

PROCLAMATION

92-311
BARTER DAY

Whereas, the Illinois Trade Association, with about 2,400 members, is one of the nation's largest barter organizations; and Whereas, since it was started eight years ago, the Association has generated more than \$5 million in tax revenue; and Whereas, thousands of companies throughout the country are using the barter concept to develop new markets, increase profits, and conserve cash; and Whereas, on June 24, the Illinois Trade Association will be sponsoring a Barter Expo, with more than \$1 million worth of merchandise on display; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 24, 1992, as BARTER DAY in Illinois.
Issued by the Governor June 17, 1992.
Filed with the Secretary of State June 26, 1992.

92-312

BRAIN RESEARCH WEEK

Whereas, the human brain is the last frontier of the human body to be fully explored and understood; and Whereas, there are more than 200 brain-related diseases and disorders which affect an estimated fifty million Americans each year; and Whereas, the study of the brain involves the multidisciplinary efforts of scientists from a variety of areas, such as physiology, biochemistry, psychology, psychiatry, molecular biology, anatomy, medicine, genetics, and many others working together for greater understanding of the structure of the brain and how it affects our development, health, and behavior; and Whereas, volunteer groups such as the Brain Research Foundation and the Women's Council of the Brain Research Foundation are committed to furthering research on the brain, public education regarding brain-related illnesses, and the need for research; and Whereas, President Bush has declared the 90s as the Decade of the Brain, signaling a new age of commitment to neuroscience research; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 2-9, 1992, as BRAIN RESEARCH WEEK in Illinois.
Issued by the Governor June 17, 1992.
Filed with the Secretary of State June 26, 1992.

92-313

**CHICAGOLAND ASSOCIATION OF MINERALOGICAL
AND GEOLOGICAL SOCIETIES DAYS**

Whereas, the City of Wheaton has been chosen as the site of the 1992 Chicagoland Gem and Mineral Association Show to be held May 23-25, 1992; and

Whereas, the show will feature a number of exhibits from gem and mineral enthusiasts across the nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 23-25, 1992, as CHICAGOLAND ASSOCIATION OF MINERALOGICAL AND GEOLOGICAL SOCIETIES DAYS in Illinois.

Issued by the Governor June 17, 1992.

Filed with the Secretary of State June 26, 1992.

92-314

ECC MUSIC WORKSHOP DAYS

Whereas, the ECC Music Workshop is a Chicago-based organization geared to upgrading the performance, quality, and music administration of various choirs, community choral organizations, ensembles, musicians, soloists, and song writers; and

Whereas, the ECC Music Workshop aims to preserve gospel music as an art form, serve as a consulting organization for the general public, and give future generations a history of the gospel music experience; and

Whereas, the workshop offers seminars, symposiums, performance series, and other activities that focus on preserving and promoting gospel music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 6-11, 1992, as ECC MUSIC WORKSHOP DAYS in Illinois in recognition of the strides the workshop has taken to preserve gospel music.

Issued by the Governor June 17, 1992.

Filed with the Secretary of State June 26, 1992.

92-315

WAYNE SEMPLE RECOGNIZED

Whereas, Wayne Semple has been a part of Central Illinois television almost since its beginning; and

Whereas, Wayne started his broadcast career as a master control operator with WTVF-TV in 1955, two years after the station, now known as WAND-TV, became the first in Central Illinois to sign on the air; and

Whereas, Wayne was promoted to chief engineer in 1964; and

Whereas, Wayne has been responsible for the behind-the-scenes technical work that keeps television stations on the air and news and entertainment programming coming into our homes; and

Whereas, in May, Wayne retired after 37 years in broadcasting;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize WAYNE SEMPLE for his outstanding contributions to the field of television broadcasting and extend best wishes to him on his retirement.

Issued by the Governor June 17, 1992.

Filed with the Secretary of State June 26, 1992.

92-316

ARCHAEOLOGY AWARENESS WEEK

Whereas, Illinois' rich archaeological heritage is characterized by a degree of cultural diversity equal to any in North America; and

Whereas, preservation of archaeological sites provides significant educational, cultural, and economic benefits to all citizens; and

Whereas, knowledge and awareness of Illinois' past is essential for the preservation and protection of our state's unique archaeological resources. Many Illinoisans volunteer their time and efforts to preserve and protect those resources; and

Whereas, the Illinois archaeological organizations have joined a partnership with federal and state agencies and private citizens to enhance public awareness of Illinois' rich cultural heritage; and

Whereas, Illinois Archaeology Awareness Week gives our citizens an opportunity to learn more about Illinois archaeology and the preservation of information about our irreplaceable heritage;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 20-26, 1992, as ARCHAEOLOGY AWARENESS WEEK in Illinois.

Issued by the Governor June 23, 1992.

Filed with the Secretary of State June 26, 1992.

92-317

ATHLETIC TRAINERS WEEK

Whereas, today's athletic trainers are well-trained professionals who are an integral part of the complete sports medicine program; and

Whereas, trainers design injury-prevention programs, administer first aid, provide treatments, and implement reconditioning procedures as directed by team/family physicians; and

Whereas, athletic trainers are recognized as registered professionals in Illinois; and

Whereas, they also should be recognized for the contributions they make to the safety, education, and well-being of athletes in

our state; and
Whereas, athletic trainers continually strive to meet stringent education, experience, and examination requirements, further safeguarding our athletes from preventable injuries;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 8-12, 1992, as ATHLETIC TRAINERS WEEK in Illinois, to concur with the Prairie State Games, the premier athletic event for amateur athletes in our state.
Issued by the Governor June 23, 1992.
Filed with the Secretary of State June 26, 1992.

92-318

COURT REPORTERS WEEK

Whereas, court reporters provide a crucial service to the judicial process of our state and our nation; and
Whereas, their unique talents, diligent efforts, and dedication to their duties enhance our system of government and help ensure justice under law; and

Whereas, the National Court Reporters Association is holding its 91st Annual Convention in Chicago July 26-August 1, 1992;
Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 26-August 1, 1992, as COURT REPORTERS WEEK in Illinois.

Issued by the Governor June 23, 1992.

Filed with the Secretary of State June 26, 1992.

92-319

FRANK LLOYD WRIGHT DAY

Whereas, since the turn of the century, the architecture of Frank Lloyd Wright has provided inspiration and visual pleasure to millions of our citizens; and

Whereas, Frank Lloyd Wright's contributions to modern architecture have helped to make the City of Chicago and the State of Illinois important centers of design; and

Whereas, hundreds of architectural works in Illinois, including residences, apartment buildings, churches, office buildings, and his vision for the tallest skyscraper, have elevated architecture to a new art form; and

Whereas, through his architectural thought and practice and his works, he has created an architectural legacy that will never be forgotten;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23, 1992, as FRANK LLOYD WRIGHT DAY in Illinois.

Issued by the Governor June 23, 1992.

Filed with the Secretary of State June 26, 1992.

92-320

ILLINOIS ACADEMY OF FINE ARTS DAY

Whereas, the Illinois Academy of Fine Arts (IAFA) is a non-profit Illinois corporation organized in 1990 to expand public interest and awareness of the fine and decorative arts in our state; and

Whereas, the academy's primary function is to identify, recognize, and honor persons, both living and deceased, who have made outstanding contributions to the arts in Illinois; and

Whereas, the academy also acknowledges and honors schools, museums, and other organizations whose activities have advanced the arts in Illinois; and

Whereas, IAFA is holding its first statewide recognition ceremony July 18 in the Rubloff Auditorium at the Art Institute of Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 18, 1992, as ILLINOIS ACADEMY OF FINE ARTS DAY in Illinois.

Issued by the Governor June 23, 1992.

Filed with the Secretary of State June 26, 1992.

JCAR - Joint Committee on Administrative Rules	
ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR
RQ - Request for Correction	Objections
EC - Expedited Corrections	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

62 III. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-2719; A-8345) (E-2897)

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89 III. Adm. Code 240

89 III. Adm. Code 230

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8 III. Adm. Code 1
4 III. Adm. Code 550
8 III. Adm. Code 30
8 III. Adm. Code 110
8 III. Adm. Code 200
8 III. Adm. Code 85
8 III. Adm. Code 305
8 III. Adm. Code 55
8 III. Adm. Code 90
8 III. Adm. Code 115
8 III. Adm. Code 40
8 III. Adm. Code 125
2 III. Adm. Code 700
8 III. Adm. Code 235
8 III. Adm. Code 211
8 III. Adm. Code 580
8 III. Adm. Code 5
8 III. Adm. Code 105
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Animal Diagnostic Laboratory Act (P-3624)
Commercial Feed Act (P-9169)
Diseased Animals (P-3635)
Governor's Agricultural Heritage Award (P-7949)
Hatcheries, Poultry Flocks, & Produce Thereof (P-3646)
III. Dead Animal Disposal Act (P-3653)
III. Pseudorabies Control Act (P-3661)
Livestock Auction Markets (P-3673)
Meat & Poultry Inspection Act (PP-1899) (P-1921; A-8349)
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Swine Disease Control & Eradication Act (P-3680)

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4 III. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (P-2721)

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77 III. Adm. Code 2031 Award Criteria & Procedure (P-9149/91; AR-2455)
77 III. Adm. Code 2030 Award & Monitoring of Funds (P-9083/91; A-2457)
77 III. Adm. Code 2056 Driving Under the Influence Programs (P-4567)
77 III. Adm. Code 2030 Fiscal & Programmatic Requirements (P-9153/91; AR-2530)
77 III. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-5104)
77 III. Adm. Code 2032 Suspension & Termination of Financial Assistance (P-9218; AR-2533)

ATTORNEY GENERAL

4 III. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283)

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38 III. Adm. Code 307 Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (P-5391)
38 III. Adm. Code 354 Administration of Assets Obtained in Collection of a Debt (P-5395)
4 III. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (P-4125)
38 III. Adm. Code 310 Electronic Fund Transfers (P-10125) (E-10353)

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71 III. Adm. Code 110 Americans With Disabilities Act Grievance Procedure (P-3689)
44 III. Adm. Code 950 Prequalification & Suspension of Contractors (P-3695)

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56 III. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-5399) (P-7543) (E-7716)

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4 III. Adm. Code 450 Americans With Disabilities Act Grievance Procedure (P-2292; A-8944)
80 III. Adm. Code 303 Conditions of Employment (P-327; A-8368)
89 III. Adm. Code 1300 Day Care (P-5141/91; A-4819)
80 III. Adm. Code 304 General Provisions (P-334; RC-10499)
80 III. Adm. Code 302 Merit & Fitness (P-336; A-8375) (P-8675)
44 III. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-10127)
80 III. Adm. Code 310 Pay Plan (E-711) (P-12051/91; A-3450) (PP-5068; RC-6899)
44 III. Adm. Code 5030 Personal Use of State Telephones (P-342; A-8382)
80 III. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-3235)
80 III. Adm. Code 2800 Travel (P-15199/91; A-4831) (P-7079)

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89 III. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545)
89 III. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963)
89 III. Adm. Code 305 Client Service Planning (P-5403)
89 III. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553)
89 III. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-13229/91; A-3924)
89 III. Adm. Code 407 Licensing Standards for Day Care Centers (P-14729/92; A-7597)

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- 89 Ill. Adm. Code 406
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- 89 Ill. Adm. Code 408
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- 89 Ill. Adm. Code 378
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- 89 Ill. Adm. Code 335
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- 89 Ill. Adm. Code 309
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- 89 Ill. Adm. Code 337
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- 89 Ill. Adm. Code 302
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- 4 Ill. Adm. Code 575
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- 14 Ill. Adm. Code 526
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- 56 Ill. Adm. Code 2625
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- 56 Ill. Adm. Code 2620
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- 14 Ill. Adm. Code 520
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- 47 Ill. Adm. Code 140
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- 56 Ill. Adm. Code 2650
Industrial Training Program (P-9202)
- 14 Ill. Adm. Code 550
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- 47 Ill. Adm. Code 100
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- 56 Ill. Adm. Code 2600
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- 47 Ill. Adm. Code 120
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- 47 Ill. Adm. Code 110
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- 56 Ill. Adm. Code 2610
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- 56 Ill. Adm. Code 2630
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- 83 Ill. Adm. Code 110
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- 83 Ill. Adm. Code 760
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- 92 Ill. Adm. Code 1311
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- 92 Ill. Adm. Code 305
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- 92 Ill. Adm. Code 1309
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- 92 Ill. Adm. Code 1440
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- 83 Ill. Adm. Code 785
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- 83 Ill. Adm. Code 440
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- 83 Ill. Adm. Code 535
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- 83 Ill. Adm. Code 770
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- 83 Ill. Adm. Code 280
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- 83 Ill. Adm. Code 275
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- 83 Ill. Adm. Code 445
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- 83 Ill. Adm. Code 200
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- 83 Ill. Adm. Code 410
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- 83 Ill. Adm. Code 500
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- 83 Ill. Adm. Code 745
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- 83 Ill. Adm. Code 757
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- 23 Ill. Adm. Code 1501

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- 17 Ill. Adm. Code 3035
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- 17 Ill. Adm. Code 130
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- 17 Ill. Adm. Code 530
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- 17 Ill. Adm. Code 830
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- 17 Ill. Adm. Code 850
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- 17 Ill. Adm. Code 115
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- 17 Ill. Adm. Code 2520
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- 17 Ill. Adm. Code 2030
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- 17 Ill. Adm. Code 950
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- 17 Ill. Adm. Code 960
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- 17 Ill. Adm. Code 730
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- 17 Ill. Adm. Code 590
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- 17 Ill. Adm. Code 1590
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- 17 Ill. Adm. Code 890
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- 17 Ill. Adm. Code 510
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 4 III. Adm. Code 950 Americans With Disabilities Act Grievance Procedure (P-9216)
 14 III. Adm. Code 1230 Employee Ownership Assistance Program (P-9222)
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 23 III. Adm. Code 25 Certification (P-9234)
 23 III. Adm. Code 130 Determining Special Education Per Capita Tuition Charge (P-1439; A-9475)
 23 III. Adm. Code 202 Disadvantaged Students Funds Plan - Districts Over 50,000 ADA (P-7231)
 23 III. Adm. Code 235 Preschool Educational & Coordinated Model Preschool Educational Programs (P-439; A-10181)
 23 III. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-8684)
 23 III. Adm. Code 120 Pupil Transportation Reimbursement (P-1452; A-10213)
 23 III. Adm. Code 260 Reading Improvement Program (P-5550)
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 2 III. Adm. Code 1800 Public Information, Rulemaking & Organization (P-5565)
 29 III. Adm. Code 700 Joint Rules of the Ill. Commerce Commission, the Office of the State Fire Marshal, & the Ill. Emergency Management Agency: Fire Protection & Emergency Services for Telecommunications Facilities (P-17740/91; A-11170)

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 56 III. Adm. Code 2725 Administrative Hearings & Appeals (P-13252/91; A-113) (P-14014/91; A-2122) (P-3734) (E-7502)
 56 III. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-14343/91; A-2556) (E-7506)
 56 III. Adm. Code 2770 Determination of Unemployment Contributions (P-13257/91; A-118)
 56 III. Adm. Code 2732 Employment (P-785) (P-3248; A-8173)
 56 III. Adm. Code 2760 Notices, Records, Reports (P-14023/91; A-3993)
 56 III. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-14032/91; A-2131)

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 4 III. Adm. Code 600 Americans With Disabilities Act Grievance Procedure (P-5569)

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 17 III. Adm. Code 1010 III. List of Endangered & Threatened Fauna (P-13594/91; A-103)
 17 III. Adm. Code 3010 III. Snowmobile Grant Program (P-14794/91; A-1806)
 17 III. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-14807/91; A-1816)
 17 III. Adm. Code 570 Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-5443; A-11069)
 17 III. Adm. Code 220 North Point Marina (P-18050/91; A-7335)
 17 III. Adm. Code 525 Nuisance Wildlife Control Permits (P-15647/91; A-1826)
 17 III. Adm. Code 970 Pigeon Shooting Permits (PR-2727; AR-8497)
 17 III. Adm. Code 110 Public Use of State Parks & Other Properties of the Department of Conservation (E-7934; C-8615) (P-8289)
 17 III. Adm. Code 550 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-5454; A-11078)
 17 III. Adm. Code 150 Regs. for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities and Demolitions (P-18055/91; A-4839)
 17 III. Adm. Code 3020 Snowmobile Trail Establishment Fund Grant Program (P-14820/91; A-1833)
 17 III. Adm. Code 810 Sport Fishing Regulations for the Waters of Ill. (P-17817/91; A-5267) (E-6016) (P-6571)
 17 III. Adm. Code 690 Squirrel Hunting (P-5157; A-11087)
 17 III. Adm. Code 880 Taking of Reptiles & Amphibians, The (P-13603/91; A-109)
 17 III. Adm. Code 720 Taking of Wild Turkeys-Fall Archery Season, The (P-5466; A-11093) (P-8681)
 17 III. Adm. Code 715 Taking of Wild Turkeys-Fall Gun Season, The (P-5475; A-11101)
 17 III. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-14833/91; A-1843)
 17 III. Adm. Code 1535 Timber Harvest Fees (P-2979; A-8499)
 17 III. Adm. Code 1538 Urban & Community Forestry Grant Program (P-4148; A-11108)
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 17 III. Adm. Code 670 White-Tailed Deer Hunting by Use of Bow and Arrow (P-5482; A-11116)
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 20 III. Adm. Code 210 Commissaries (P-17010/91; A-6979)
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68 III. Adm. Code 870	Landfill Operators Certification (P-12094/91; A-3096)	
35 III. Adm. Code 859	Procedures for Collection of Review & Evaluation Services Costs (P-8348/91; A-6995)	
35 III. Adm. Code 365	Procedures for Issuing Loans from the Water Pollution Control Revolving Fund (P-3745)	
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35 III. Adm. Code 858	Procedures for Operation of the Non-Hazardous Solid Waste Fee System (P-4621)	
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41 III. Adm. Code 270	Hazardous Materials Emergency Response Reimbursement Standards (P-14845/91; A-6842)	
41 III. Adm. Code 102	Joint Rules of the Ill. Commerce Commission, the Office of the State Fire Marshal, & the Ill. Emergency Management Agency: Fire Protection & Emergency Services for Telecommunications Facilities (P-17442/91; A-11172)	
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- 89 Ill. Adm. Code 144 Developmental Disabilities Service (P-7455/91; A-3497) (P-5806) (P-15926/91; A-5898)
- 89 Ill. Adm. Code 149 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (P-15931/91; A-6195)
- 89 Ill. Adm. Code 141 Drug Manual (PR-12132/91; AR-7922)
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TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
CC = Codification Changes
E = Emergency rule
F = Failure to Remedy
M = Modification
O = JCAR Objection
P = Proposed Rule
W = Withdrawal of
PP = Prohibited filing
PP = Peremptory rule
R = Refusal to Modify
or Withdraw
RC = Statement of
Recommendation
RQ = Request for Correction
S = Suspend rule

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875.20	n	(P-8160)	1.114	n	(P-8631)	
875.30	n	(P-8160)	1.116	n	(P-8631)	
875.40	n	(P-8160)	1.118	n	(P-8631)	
875.50	n	(P-8160)	1.120	n	(P-8631)	
875.60	n	(P-8160)	1.122	n	(P-8631)	
875.70	n	(P-8160)	1.124	n	(P-8631)	
875.80	n	(P-8160)	1.126	n	(P-8631)	
900.10	n	(P-9273)	1.128	n	(P-8631)	
900.20	n	(P-9273)	1.225	am	(P-8631)	
900.30	n	(P-9273)	1.240	am	(P-8631)	
900.40	n	(P-9273)	1.265	am	(P-8631)	
900.50	n	(P-9273)	1.270	am	(P-8631)	
900.60	n	(P-9273)	1.275	am	(P-8631)	
900.70	n	(P-9273)	1.280	am	(P-8631)	
925.100	n	(P-10534)	1.285	am	(P-8631)	
925.110	n	(P-10534)	1.295	am	(P-8631)	
925.120	n	(P-10534)	1.300	am	(P-8631)	
925.130	n	(P-10534)	1.305	am	(P-8631)	
925.140	n	(P-10534)	1.310	r	(P-8631)	
925.150	n	(P-10534)	1.315	r	(P-8631)	
925.160	n	(P-10534)	1.320	r	(P-8631)	
925.Ap.A	n	(P-10534)	1.325	r	(P-8631)	
950.10	n	(P-9216)	1.330	r	(P-8631)	
950.20	n	(P-9216)	1.335	r	(P-8631)	
950.30	n	(P-9216)	1.340	r	(P-8631)	
950.40	n	(P-9216)	1.345	r	(P-8631)	
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950.70	n	(P-9216)	1.410	r	(P-8631)	
			1.415	r	(P-8631)	
			1.420	r	(P-8631)	
			1.425	r	(P-8631)	
			1.435	r	(P-8631)	
			1.445	r	(P-8631)	
			1.500	am	(P-8631)	
			II. A	am	(P-8631)	
			II. B	am	(P-8631)	
			5.90	r	(P-3231; A-8364)	
			30.150	am	(P-3618)	
			40.5	am	(P-3673)	
			40.60	am	(P-3673)	
			40.100	am	(P-3673)	
			40.170	am	(P-3673)	
			55.10	am	(P-3646)	
			55.40	am	(P-3646)	
			55.45	am	(P-3646)	
			55.50	am	(P-3646)	
			55.90	am	(P-3646)	
			55.100	am	(P-3646)	
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85.100	am	(P-3635)
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110.110	am	(P-3624)
110.120	am	(P-3624)
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115.70	am	(P-3661)
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436.50	r (P-15655/91; A-4520)	1314.10	r (P-2439; A-8229)
436.60	am (P-15655/91; A-4520)	1318.180	n (P-15388/91; A-7489)
436.70	am (P-15655/91; A-4520)	1318.190	n (P-15388/91; A-7489)
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509.50	am (P-6955)	170.17	am (P-5247; A-11196)
509.60	am (P-6955)	170.20	am (P-5247; A-11196)
509.70	am (P-6955)	170.30	n (P-5247; A-11196)
509.75	am (P-6955)	175.10	am (P-7518/91; A-4058)
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509.170	am (P-6955)	526.30	n (P-6524)
509.175	r (P-6955)	526.40	n (P-6524)
509.190	am (P-6955)	526.50	n (P-6524)
509.195	r (P-6955)	526.60	n (P-6524)
509.200	am (P-6955)	526.70	n (P-6524)
509.210	am (P-6955)	526.80	n (P-6524)
509.220	am (P-6955)	526.90	n (P-6524)
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509.240	r (P-6955)	550.30	am (P-7090)
509.250	r (P-6955)	550.35	am (P-10249/91; A-3464)
509.260	r (P-6955)	550.40	am (P-7090)
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1220.130	n (P-8747/91; A-10163)	110.40	am (P-8289)
1220.140	n (P-8747/91; A-10163)	110.90	am (P-8289)
1220.150	n (P-8747/91; A-10163)	110.100	am (P-8289)
1220.160	n (P-8747/91; A-10163)	110.150	am (P-8289)
1220.200	n (P-8747/91; A-10163)	110.165	n (P-8289)
1220.210	n (P-8747/91; A-10163)	110.170	am (P-8289)
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1220.230	n (P-8747/91; A-10163)	115.30	am (P-18045/91; A-4835)
1220.240	n (P-8747/91; A-10163)	115.40	am (P-18045/91; A-4835)
1220.250	n (P-8747/91; A-10163)	115.50	am (P-18045/91; A-4835)
1220.300	n (P-8747/91; A-10163)	130.30	am (P-8275)
1220.310	n (P-8747/91; A-10163)	130.40	am (P-8275)
1220.320	n (P-8747/91; A-10163)		
1220.330	n (P-8747/91; A-10163)		
1220.400	n (P-8747/91; A-10163)		
1220.410	n (P-8747/91; A-10163)		
1220.500	n (P-8747/91; A-10163)		
1220.510	n (P-8747/91; A-10163)		
1220.520	n (P-8747/91; A-10163)		
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1230.110	n (P-9222)		
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1230.520	n (P-9222)		
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130.70	am (E-7925; C-8614)		
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130.130	am (E-7925; C-8614)		
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220.60	am (P-18050/91; A-7335)		
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525.30	am (P-15647/91; A-1826)		
530.10	am (P-7161)		
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570.30	am (P-5443; A-11069)		
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650.50	am (P-5501; A-11131)		
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2030.15	am	(P-2302; A-8483)	504.905	am	(P-3715; A-10430)
2030.20	am	(P-2302; A-8483)	504.910	am	(P-3715; A-10430)
2520.50	am	(P-2297; A-8479)	504.920	am	(P-3715; A-10430)
3010.40	am	(P-14794/91; A-1806)	504.930	am	(P-3715; A-10430)
3010.50	am	(P-14794/91; A-1806)	525.110	am	(E-3583)
3010.70	am	(P-14794/91; A-1806)	525.130	am	(P-5166; A-10439)
3010.80	am	(P-14794/91; A-1806)	525.140	am	(P-5166; A-10439)
3020.20	am	(P-14820/91; A-1833)			(E-3583)
3020.40	am	(P-14820/91; A-1833)	525.150	am	(P-5166; A-10439)
3020.50	am	(P-14820/91; A-1833)	1205.10	n	(P-4803)
3020.70	am	(P-14820/91; A-1833)	1205.20	n	(P-4803)
3020.80	am	(P-14820/91; A-1833)	1205.30	n	(P-4803)
3030.30	am	(P-14807/91; A-1816)	1205.40	n	(P-4803)
3030.50	am	(P-14807/91; A-1816)	1205.50	n	(P-4803)
3030.60	am	(P-14807/91; A-1816)	1235.10	n	(E-17785/91; O-1746)
3035.40	am	(P-14783/91; A-1797)			(P-17566/91; A-7041)
3035.70	am	(P-14783/91; A-1797)	1235.20	n	(E-17785/91; O-1746)
3035.80	am	(P-14783/91; A-1797)	1235.30	n	(E-17785/91; O-1746)
4170.100	n	(P-5576)			(P-17566/91; A-7041)
4170.110	n	(P-5576)	1235.40	n	(E-17785/91; O-1746)
4170.120	n	(P-5576)			(P-17566/91; A-7041)
4170.130	n	(P-5576)	1235.50	n	(E-17785/91; O-1746)
4170.200	n	(P-5576)			(P-17566/91; A-7041)
4170.250	n	(P-5576)	1235.60	n	(E-17785/91; O-1746)
4170.300	n	(P-5576)			(P-17566/91; A-7041)
4170.400	n	(P-5576)	1235.70	n	(E-17785/91; O-1746)
4170.500	n	(P-5576)			(P-17566/91; A-7041)
4170.550	n	(P-5576)	1235.80	n	(E-17785/91; O-1746)
4170.600	n	(P-5576)			(P-17566/91; A-7041)
4170.700	n	(P-5576)	1235.90	n	(E-17785/91; O-1746)
4170.800	n	(P-5576)			(P-17566/91; A-7041)
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210.20	am	(P-17010/91; A-6979)			(P-17566/91; A-7041)
210.30	am	(P-17010/91; A-6979)	1235.110	n	(E-17785/91; O-1746)
405.20	am	(P-5176; A-10449)			(P-17566/91; A-7041)
405.50	am	(P-5176; A-10449)	1235.120	n	(E-17785/91; O-1746)
405.60	am	(P-5176; A-10449)			(P-17566/91; A-7041)
435.10	am	(P-1941; A-8166)	1235.130	n	(E-17785/91; O-1746)
435.12	n	(P-1941; A-8166)			(P-17566/91; A-7041)
435.15	am	(P-1941; A-8166)	1285.10	n	(P-3840)
435.20	am	(P-1941; A-8166)			(P-3840)
435.30	am	(P-1941; A-8166)	1285.20	n	(P-3840)
435.40	am	(P-1941; A-8166)	1285.30	n	(P-3840)
435.50	am	(P-1941; A-8166)	1285.40	n	(P-3840)
435.60	am	(P-1941; A-8166)	1285.50	n	(P-3840)
435.70	n	(P-1941; A-8166)	1285.60	n	(P-3840)
504.802	am	(P-3715; A-10430)	1285.70	n	(P-3840)
504.810	am	(P-3715; A-10430)	1285.80	n	(P-3840)

[illegible]

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660.40	am	(P-5525; A-11150)	n	880.50	(P-13603/91; A-109)
660.45	am	(P-5525; A-11150)	n	890.10	(P-17811/91; A-5262)
660.50	am	(P-5525; A-11150)	n	890.20	(P-17811/91; A-5262)
660.60	am	(P-5525; A-11150)	n	890.30	(P-17811/91; A-5262)
670.10	am	(P-5482; A-11116)	n	890.40	(P-17811/91; A-5262)
670.20	am	(P-5482; A-11116)	n	890.50	(P-17811/91; A-5262)
670.30	am	(P-5482; A-11116)	am	950.20	(P-5429; A-11034)
670.40	am	(P-5482; A-11116)	am	950.40	(P-5429; A-11034)
670.50	am	(P-5482; A-11116)	am	960.30	(P-5433; A-11038)
670.60	am	(P-5482; A-11116)	r	970.10	(P-2727; R-8497)
680.10	am	(P-10138)	r	970.20	(P-2727; R-8497)
680.20	am	(P-10138)	r	970.30	(P-2727; R-8497)
680.60	am	(P-10138)	r	970.40	(P-2727; R-8497)
680.70	am	(P-10138)	r	970.50	(P-2727; R-8497)
680.80	am	(P-10138)	r	970.60	(P-2727; R-8497)
690.20	am	(P-5157; A-11087)	am	1110.30	(P-13509/91; A-103)
690.30	am	(P-5157; A-11087)	am	1530.30	(P-2972; A-8489)
710.10	am	(P-14833/91; A-1843)	am	1530.50	(P-2972; A-8489)
710.20	am	(P-14833/91; A-1843)	am	1530.60	(P-2972; A-8489)
710.21	n	(P-14833/91; A-1843)	n	1530 Ex.A	(P-2972; A-8489)
710.30	am	(P-14833/91; A-1843)	n	1530 Ex.B	(P-2972; A-8489)
710.50	am	(P-14833/91; A-1843)	n	1535.1	(P-2979; A-8499)
715.10	am	(P-5475; A-11101)	am	1535.5	(P-2979; A-8499)
715.20	am	(P-5475; A-11101)	am	1535.50	(P-2979; A-8499)
715.40	am	(P-5475; A-11101)	am	1538.5	(P-755; W-4555)
720.10	am	(P-5466; A-11093)	n	1538.10	(P-4148; A-11108)
720.20	am	(P-5466; A-11093)	n	1538.20	(P-755; W-4555)
720.30	am	(P-5466; A-11093)	n	1538.30	(P-755; W-4555)
720.40	am	(P-8681)	n	1538.40	(P-755; W-4555)
730.20	am	(P-5466; A-11093)	n	1538.50	(P-4148; A-11108)
730.30	am	(P-5143; A-11041)	n	1538.60	(P-755; W-4555)
740.10	am	(P-5540; A-11162)	n	1538.70	(P-4148; A-11108)
740.20	am	(P-5540; A-11162)	n	1538.80	(P-755; W-4555)
810.35	am	(P-17817/91; A-5267)	n	1590.50	(P-4132; A-11052)
810.37	am	(P-17817/91; A-5267)	n	1590.60	(P-4132; A-11052)
810.45	am	(P-46571) (E-6016)	n	1590.70	(P-4132; A-11052)
810.60	am	(P-17817/91; A-5267)	n	1590.80	(P-4132; A-11052)
810.70	am	(P-17817/91; A-5267)	n	1590.90	(P-4132; A-11052)
810.90	am	(P-17817/91; A-5267)	n	1590.100	(P-4132; A-11052)
830.60	am	(P-18327/91; A-5257)	n	1590.110	(P-4132; A-11052)
830.70	am	(P-18327/91; A-5257)	am		
830.90	am	(P-4616; A-11029)	am		
850.10	am	(P-4616; A-11029)	am		
850.20	am	(P-4616; A-11029)	am		
850.30	am	(P-13603/91; A-109)	am		
880.10	n	(P-13603/91; A-109)	am		
880.20	n	(P-13603/91; A-109)	am		

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1810.10	(P-2732)	n	1810.1110	n	(P-469) (E-732)
1570.10	(P-2732)	n			
1570.20	(P-2732)	n			
1570.30	(P-2732)	n			
1570.40	(P-2732)	n	1.230	am	(P-8684)
1570.50	(P-2732)	n	1.240	am	(P-8684)
1570.60	(P-2732)	n	1.420	am	(P-8684)
1580.10	(P-1948)	n	1.440	am	(P-8684)
1580.20	(P-1948)	n	1.720	am	(P-8684)
1580.30	(P-1948)	n	1.730	am	(P-8684)
1580.40	(P-1948)	n	1.735	am	(P-8684)
1580.50	(P-1948)	n	1.736	n	(P-8684)
1720.15	(E-15251/91; A-4002)	am	25.120	am	(P-9234)
1720.35	(E-727) (P-7756)	n	25.220	am	(P-9234)
1800.10	(P-10)	n	120.10	am	(P-1452; A-10213)
1800.20	(P-10)	n	120.30	am	(P-1452; A-10213)
1800.30	(P-10)	n	120.40	am	(P-1452; A-10213)
1800.40	(P-10)	n	120.50	am	(P-1452; A-10213)
1810.100	(P-469) (E-732)	n	120.60	am	(P-1452; A-10213)
1810.110	(P-469) (E-732)	n	120.90	am	(P-1452; A-10213)
1810.200	(P-469) (E-732)	n	130.10	am	(P-1439; A-9475)
1810.210	(P-469) (E-732)	n	130.20	am	(P-1439; A-9475)
1810.220	(P-469) (E-732)	n	130.30	am	(P-1439; A-9475)
1810.230	(P-469) (E-732)	n	130.40	am	(P-1439; A-9475)
1810.240	(P-469) (E-732)	n	130.45	n	(P-1439; A-9475)
1810.250	(P-469) (E-732)	n	130.50	am	(P-1439; A-9475)
1810.300	(P-469) (E-732)	n	202.10	am	(P-7231)
1810.400	(P-469)	n	202.20	am	(P-7231)
1810.410	(P-469) (E-732)	n	202.30	am	(P-7231)
1810.420	(P-469) (E-732)	n	202.40	am	(P-7231)
1810.430	(P-469) (E-732)	n	202.44	n	(P-7231)
1810.440	(P-469) (E-732)	n	202.46	n	(P-7231)
1810.500	(P-469) (E-732)	n	202.50	am	(P-7231)
1810.510	(P-469) (E-732)	n	202.60	am	(P-7231)
1810.520	(P-469) (E-732)	n	226.605	am	(P-3724)
1810.530	(P-469) (E-732)	n	226.640	am	(P-3724)
1810.540	(P-469) (E-732)	n	228.15	n	(P-9253)
1810.550	(P-469) (E-732)	n	228.20	am	(P-9253)
1810.600	(P-469) (E-732)	n	228.25	n	(P-9253)
1810.610	(P-469) (E-732)	n	228.30	am	(P-9253)
1810.620	(P-469) (E-732)	n	228.50	am	(P-9253)
1810.700	(P-469) (E-732)	n	235.10	n	(P-439; A-10181)
1810.710	(P-469) (E-732)	n	235.20	n	(P-439; A-10181)
1810.720	(P-469) (E-732)	n	235.30	n	(P-439; A-10181)
1810.730	(P-469) (E-732)	n	235.40	n	(P-439; A-10181)
1810.800	(P-469) (E-732)	n	235.45	n	(P-439; A-10181)
1810.900	(P-469) (E-732)	n	235.50	n	(P-439; A-10181)
1810.910	(P-469) (E-732)	n	235.60	n	(P-439; A-10181)
1810.1000	(P-469) (E-732)	n	235.100	n	(P-439; A-10181)
1810.1010	(P-469) (E-732)	n	235.110	n	(P-439; A-10181)
1810.1020	(P-469) (E-732)	n	235.120	n	(P-439; A-10181)

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235.135	n	(P-439; A-10181)	2735.20	am	(P-4458; A-11296)
235.140	n	(P-439; A-10181)	2735.30	am	(P-4458; A-11296)
235.150	n	(P-439; A-10181)	2735.40	am	(P-4458; A-11296)
260.40	am	(P-5550)	2735.50	am	(P-4458; A-11296)
1015.10	n	(P-14852/91; A-4496)	2735.60	am	(P-4458; A-11296)
1015.20	n	(P-14852/91; A-4496)	2735.70	am	(P-4458; A-11296)
1015.30	n	(P-14852/91; A-4496)	2735.80	am	(P-4458; A-11296)
1015.40	n	(P-14852/91; A-4496)	2735.100	am	(P-4458; A-11296)
1015.50	n	(P-14852/91; A-4496)	2735. Ap.A	am	(P-4458; A-11296)
1015.60	n	(P-14852/91; A-4496)	2760.5	am	(P-4483; A-11321)
1015.70	n	(P-14852/91; A-4496)	2760.10	am	(P-4483; A-11321)
1501.509	am	(P-10524)	2760.30	am	(P-4483; A-11321)
1501.515	am	(P-4368; A-11206)	2761.10	am	(P-4452; A-11290)
2700.10	am	(P-4368; A-11206)	2761.20	am	(P-4452; A-11290)
2700.20	am	(P-4368; A-11206)	2761.30	am	(P-4452; A-11290)
2700.30	am	(P-4368; A-11206)	2762.10	am	(P-4475; A-11313)
2700.40	am	(P-4368; A-11206)	2762.20	am	(P-4475; A-11313)
2700.50	am	(P-4368; A-11206)	2762.30	am	(P-4475; A-11313)
2700.55	am	(P-4368; A-11206)	2763.10	n	(P-18129/91; A-7048)
2700.60	am	(P-4368; A-11224)	2763.20	n	(P-18129/91; A-7048)
2700.70	am	(P-4368; A-11224)	2763.30	n	(P-18129/91; A-7048)
2720.5	am	(P-4368; A-11224)	2763.40	n	(P-18129/91; A-7048)
2720.6	am	(P-4368; A-11224)	2763.50	n	(P-4491; A-11329)
2720.10	am	(P-15026/91; A-4060)	2770.10	#	(P-4491; A-11329)
2720.20	am	(P-4386; A-11224)	2770.20	n	(P-4491; A-11329)
2720.25	n	(P-4386; A-11224)	2770.30	#	(P-4491; A-11329)
2720.30	am	(P-4386; A-11224)	2771.10	am	(P-18114/91; A-6873)
2720.40	am	(P-4386; A-11224)	2771.20	n	(P-18114/91; A-6873)
2720.50	am	(P-4386; A-11224)	2771.30	n	(P-18114/91; A-6873)
2720.55	am	(P-4386; A-11224)	2771. Ap.A	n	(P-18114/91; A-6873)
2720.60	am	(P-4386; A-11224)	2790.10	am	(P-4431; A-11269)
2720.70	am	(P-4386; A-11224)	2790.20	am	(P-4431; A-11269)
2720.80	am	(P-4386; A-11224)	2790.30	am	(P-4431; A-11269)
2720.90	n	(P-4386; A-11224)	2790.40	am	(P-4431; A-11269)
2720.105	am	(P-4386; A-11224)	2790.50	am	(P-4431; A-11269)
2720.120	am	(P-4386; A-11224)	2790.60	am	(P-4431; A-11269)
2720.130	am	(P-4386; A-11224)	2790.70	am	(P-4431; A-11269)
2720.200	am	(P-4386; A-11224)	2790.80	am	(P-4431; A-11269)
2720.210	am	(P-4386; A-11224)	2790.90	am	(P-4431; A-11269)
2720. Ap.A	am	(P-4386; A-11224)	2790.100	am	(P-4431; A-11269)
2730.5	am	(P-4416; A-11254)	2790.110	am	(P-4431; A-11269)
2730.10	am	(P-4416; A-11254)	2790.120	am	(P-4431; A-11269)
2730.20	am	(P-4416; A-11254)	2790.130	am	(P-4431; A-11269)
2733.10	am	(P-4423; A-11261)	2790.140	am	(P-4431; A-11269)
2733.20	am	(P-4423; A-11261)			(P-4431; A-11269)
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3040.160	am	(P-7321)
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100.30	r	(P-5939/91; A-6982)
125.425	am	(P-5943/91; A-6986)
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205.10	am	(P-5556)
205.20	am	(P-5556)
205.30	am	(P-5556)
205.40	am	(P-5556)
700.1	n	(P-17440/91; A-11170)
700.5	n	(P-17440/91; A-11170)
700.10	n	(P-17440/91; A-11170)
700.15	n	(P-17440/91; A-11170)
700.20	n	(P-17440/91; A-11170)
700.25	n	(P-17440/91; A-11170)
700.30	n	(P-17440/91; A-11170)
700.35	n	(P-17440/91; A-11170)
700.40	n	(P-17440/91; A-11170)
700.45	n	(P-17440/91; A-11170)
700.50	n	(P-17440/91; A-11170)
700.55	n	(P-17440/91; A-11170)
700.60	n	(P-17440/91; A-11170)
700.65	n	(P-17440/91; A-11170)
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210.10	n	(P-2003)
210.20	n	(P-2003)
210.30	n	(P-2003)
210.40	n	(P-2003)
210.50	n	(P-2003)
210.60	n	(P-2003)
210.70	n	(P-2003)
331.110	am	(P-2984)
331.120	am	(P-2984)
331.130	am	(P-2984)
331.200	am	(P-2984)
331.Ap.A	r	(P-2984)
331.Tb.A	r	(P-2984)
331.Tb.B	r	(P-2984)
331.Tb.C	r	(P-2984)
331.Ap.B	am	(P-2984)
331.Ap.C	r	(P-2984)
340.4010	am	(P-2746)
400.120	am	(P-2739)
400.140	am	(P-2739)
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203.145	am	(P-6631)
211.101	am	(P-15875/91; A-7656)
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212.107	n	(P-6606)
212.108	n	(P-16564/91; A-7880)
212.109	n	(P-16564/91; A-7880)
212.110	am	(P-16564/91; A-7880)
212.113	am	(P-16564/91; A-7880)
212.210	n	(P-41; A-8204)
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212.316	n	(P-16564/91; A-7880)
212.324	n	(P-16564/91; A-7880)
212.362	n	(P-16564/91; A-7880)
212.424	am	(P-41; A-8204)
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212.443	am	(P-41; A-8204)
212.445	am	(P-41; A-8204)
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215.100	am	(P-4682)
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611.110	am	615.202	n
611.111	am	615.203	n
611.112	am	615.204	n
611.295	n	615.205	n
611.296	n	615.206	n
611.300	am	615.207	n
611.301	n	615.208	n
611.310	am	615.209	n
611.311	am	615.210	n
611.526	am	615.211	n
611.591	#	615.301	n
611.592	#	615.302	n
611.600	am	615.303	n
611.601	am	615.304	n
611.602	#	615.305	n
611.603	#	615.306	n
611.604	n		
611.605	n		
611.606	am		
611.607	am		
611.608	n		
611.609	n		
611.610	n		
611.611	n		
611.630	#		
611.631	n		
611.640	n		
611.641	am		
611.645	am		
611.646	n		
611.647	#		
611.647	am		
611.648	#		
611.648	n		
611.650	r		
611.657	r		
611.658	n		
611.851	am		
611.Ap.A	am		
615.101	n		
615.102	n		
		615.103	n
		615.104	n
		615.105	n
		615.201	n
		615.202	n
		615.203	n
		615.204	n
		615.205	n
		615.206	n
		615.207	n
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615.423	n	615.702	n
615.424	n	615.703	n
615.425	n	615.704	n
615.441	n	615.705	n
615.442	n	615.721	n
615.443	n	615.722	n
615.444	n	615.723	n
615.445	n	615.724	n
615.446	n	616.101	n
615.447	n	616.102	n
615.461	n	616.104	n
615.462	n	616.105	n
615.463	n	616.201	n
615.464	n	616.202	n
615.501	n	616.203	n
615.502	n	616.204	n
615.601	n	616.205	n
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616.301	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.502	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.302	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.601	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.303	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.602	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.304	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.603	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.305	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.604	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.306	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.605	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.307	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.621	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.401	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.622	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.402	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.623	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.421	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.624	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.422	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.625	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.423	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.701	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.424	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.702	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.425	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.703	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.441	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.704	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.442	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.705	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.443	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.721	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.444	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.722	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.445	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.723	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.446	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.724	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.447	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.725	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.462	n	(P-9836/91; O-17793/91; R-1723; A-1592)	617.101	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.463	n	(P-9836/91; O-17793/91; R-1723; A-1592)	617.102	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.464	n	(P-9836/91; O-17793/91; R-1723; A-1592)	620.450	am	(P-7286)
			703.150	am	(P-1058; A-9767)
			703.155	am	(P-1058; A-9767)

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731.112	am	(P-2330; A-7407)	809.901	r	(P-2330; A-7407)
731.113	am	(P-2330; A-7407)	809.902	r	(P-13017/91; A-130)
731.114	r	(P-2330; A-7407)	809.903	r	(P-13017/91; A-130)
731.120	r	(P-2330; A-7407)	809.904	r	(P-13017/91; A-130)
731.121	r	(P-2330; A-7407)	809.905	r	(P-13017/91; A-130)
731.122	am	(P-2330; A-7407)	809.906	r	(P-13017/91; A-130)
731.130	r	(P-2330; A-7407)	848.101	am	(P-13004/91; A-3114)
731.131	r	(P-2330; A-7407)	848.202	am	(P-13004/91; A-3114)
731.132	r	(P-2330; A-7407)	848.205	am	(P-13004/91; A-3114)
731.133	r	(P-2330; A-7407)	848.206	n	(P-13004/91; A-3114)
731.134	r	(P-2330; A-7407)	848.207	n	(P-13004/91; A-3114)
731.140	r	(P-2330; A-7407)	848.208	n	(P-13004/91; A-3114)
731.141	r	(P-2330; A-7407)	849.101	r	(P-13265/91; A-2880)
731.142	r	(P-2330; A-7407)	849.102	r	(P-13265/91; A-2880)
731.143	r	(P-2330; A-7407)	849.103	r	(P-13265/91; A-2880)
731.144	r	(P-2330; A-7407)	849.104	r	(P-13265/91; A-2880)
731.145	r	(P-2330; A-7407)	849.105	r	(P-13265/91; A-2880)
731.150	r	(P-2330; A-7407)	849.106	r	(P-13265/91; A-2880)
731.151	r	(P-2330; A-7407)	858.207	am	(P-4621)
731.152	r	(P-2330; A-7407)	859.101	n	(P-8348/91; A-6995)
731.153	r	(P-2330; A-7407)	859.102	n	(P-8348/91; A-6995)
731.161	am	(P-2330; A-7407)	859.103	n	(P-8348/91; A-6995)
731.162	am	(P-2330; A-7407)	859.201	n	(P-8348/91; A-6995)
731.170	r	(P-2330; A-7407)	859.202	n	(P-8348/91; A-6995)
731.171	r	(P-2330; A-7407)	859.203	n	(P-8348/91; A-6995)
731.172	r	(P-2330; A-7407)	859.204	n	(P-8348/91; A-6995)
731.173	r	(P-2330; A-7407)	859.205	n	(P-8348/91; A-6995)
731.174	r	(P-2330; A-7407)	859.301	n	(P-8348/91; A-6995)
731.190	r	(P-2330; A-7407)	859.302	n	(P-8348/91; A-6995)
731.191	r	(P-2330; A-7407)	859.303	n	(P-8348/91; A-6995)
731.192	r	(P-2330; A-7407)	875.100	n	(P-10542)
731.193	r	(P-2330; A-7407)	875.101	n	(P-10542)
731.194	r	(P-2330; A-7407)	875.102	n	(P-10542)
731.195	r	(P-2330; A-7407)	875.200	n	(P-10542)
731.196	r	(P-2330; A-7407)	875.201	n	(P-10542)
731.197	r	(P-2330; A-7407)	875.202	n	(P-10542)
731.198	r	(P-2330; A-7407)	875.203	n	(P-10542)
731.199	r	(P-2330; A-7407)	875.204	n	(P-10542)
731.200	r	(P-2330; A-7407)	875.205	n	(P-10542)
731.202	r	(P-2330; A-7407)	875.206	n	(P-10542)
731.203	r	(P-2330; A-7407)	875.207	n	(P-10542)
731.204	r	(P-2330; A-7407)	875.208	n	(P-10542)
731.205	r	(P-2330; A-7407)	875.209	n	(P-10542)
731.206	r	(P-2330; A-7407)	875.210	n	(P-10542)
731.207	r	(P-2330; A-7407)	875.300	n	(P-10542)
731.208	r	(P-2330; A-7407)	875.301	n	(P-10542)
731.209	r	(P-2330; A-7407)	875.302	n	(P-10542)
731.210	r	(P-2330; A-7407)	875.303	n	(P-10542)
731.211	r	(P-2330; A-7407)	875.304	n	(P-10542)
731.Ap.A	am	(P-2330; A-7407)	875.305	n	(P-10542)

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102.60	n	(P-17442/91; A-11172)	950.110	r	(P-3695)
102.65	n	(P-17442/91; A-11172)	950.120	r	(P-3695)
120.10	am	(P-15823/91; A-6808)	950.130	r	(P-3695)
120.90	am	(P-15823/91; A-6808)	950.140	r	(P-3695)
120.1000	am	(P-15823/91; A-6808)	950.150	r	(P-3695)
120.1010	n	(P-15823/91; A-6808)	950.160	r	(P-3695)
120.1020	n	(P-15823/91; A-6808)	950.170	r	(P-3695)
120.1030	n	(P-15823/91; A-6808)	950.180	r	(P-3695)
120.1040	n	(P-15823/91; A-6808)	950.210	r	(P-3695)
120.1041	n	(P-15823/91; A-6808)	950.220	r	(P-3695)
120.1100	am	(P-15823/91; A-6808)	950.230	r	(P-3695)
120.1200	am	(P-15823/91; A-6808)	950.240	r	(P-3695)
120.1280	am	(P-15823/91; A-6808)	950.250	r	(P-3695)
120.1281	n	(P-15823/91; A-6808)	950.260	r	(P-3695)
120.1282	n	(P-10875/91; A-4845)	950.270	r	(P-3695)
170.800	n	(P-10875/91; A-4845)	950.280	r	(P-3695)
170.810	n	(P-10875/91; A-4845)	950.290	r	(P-3695)
170.820	n	(P-10875/91; A-4845)	950.300	r	(P-3695)
170.830	n	(P-10875/91; A-4845)	5010.240	am	(P-10127)
170.840	n	(P-10875/91; A-4845)	5010.710	am	(P-10127)
170.850	n	(P-10875/91; A-4845)	5010.780	am	(P-10127)
170.860	n	(P-10875/91; A-4845)	5010.1160	am	(P-10127)
170.870	n	(P-10875/91; A-4845)	5010.1300	am	(P-10127)
170.880	n	(P-10875/91; A-4845)	5010.1410	n	(P-10127)
170.890	n	(P-10875/91; A-4845)	5010.1410	n	(P-10127)
170.900	n	(P-10875/91; A-4845)	5030.130	am	(P-18013/91; A-4826)
170.910	n	(P-10875/91; A-4845)			
215.1	n	(P-1954)			
215.2	n	(P-1954)	100.10	am	(P-14337/91; A-3940)
215.20	n	(P-1954)	100.20	am	(P-14337/91; A-3940)
215.30	n	(P-1954)	100.30	am	(P-14337/91; A-3940)
215.40	n	(P-1954)	100.40	am	(P-14337/91; A-3940)
215.50	n	(P-1954)	100.50	am	(P-14337/91; A-3940)
215.60	n	(P-1954)	100.85	am	(P-14337/91; A-3940)
215.70	n	(P-1954)	100.103	am	(P-14337/91; A-3940)
270.10	n	(P-14845/91; A-6842)	100.105	am	(P-14337/91; A-3940)
270.20	n	(P-14845/91; A-6842)	100.106	r	(P-14337/91; A-3940)
270.30	n	(P-14845/91; A-6842)	100.110	am	(P-14337/91; A-3940)
270.40	n	(P-14845/91; A-6842)	100.111	r	(P-14337/91; A-3940)
270.50	n	(P-14845/91; A-6842)	100.113	am	(P-14337/91; A-3940)
270.60	n	(P-14845/91; A-6842)	100.115	am	(P-14337/91; A-3940)
270.70	n	(P-14845/91; A-6842)	100.120	am	(P-14337/91; A-3940)
270.80	n	(P-14845/91; A-6842)	100.Ap.A	am	(P-14337/91; A-3940)
300.10	n	(P-10560)	.11.A	n	(P-14337/91; A-3940)
300.15	n	(P-10560)	.11.B	n	(P-14337/91; A-3940)
300.20	n	(P-10560)	.11.C	n	(P-14337/91; A-3940)
300.25	n	(P-10560)	.11.D	n	(P-14337/91; A-3940)
300.30	n	(P-10560)	.11.E	n	(P-14337/91; A-3940)
300.35	n	(P-10560)	.11.F	n	(P-14337/91; A-3940)
300.40	n	(P-10560)	100.Ap.D	am	(P-14337/91; A-3940)
300.50	n	(P-10560)	100.Ap.E	r	(P-14337/91; A-3940)

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100.Ap.F	r	(P-14337/91; A-3940)	310.306	am	(P-1961; A-10248)
110.210	n	(P-7141)	310.307	am	(P-1961; A-10248)
110.220	n	(P-7141)	310.309	am	(P-1961; A-10248)
110.230	n	(P-7141)	310.401	am	(P-1961; A-10248)
110.240	n	(P-7141)	310.402	am	(P-1961; A-10248)
110.250	n	(P-7141)	310.403	am	(P-1961; A-10248)
110.260	n	(P-7141)	310.404	am	(P-1961; A-10248)
110.270	n	(P-7141)	310.405	am	(P-1961; A-10248)
110.280	n	(P-7141)	310.602	am	(P-1961; A-10248)
110.290	n	(P-7141)	310.603	am	(P-1961; A-10248)
110.300	n	(P-7141)	310.604	am	(P-1961; A-10248)
110.310	n	(P-7141)	310.701	am	(P-1961; A-10248)
110.320	n	(P-7141)	310.702	am	(P-1961; A-10248)
110.330	n	(P-7141)	310.703	am	(P-1961; A-10248)
110.340	n	(P-7141)	310.801	am	(P-1961; A-10248)
110.350	n	(P-7141)	310.802	am	(P-1961; A-10248)
110.360	n	(P-7141)	310.803	am	(P-1961; A-10248)
120.30	am	(P-13993/91; A-3078)	310.804	am	(P-1961; A-10248)
120.55	am	(P-13993/91; A-3078)	310.805	am	(P-1961; A-10248)
120.80	am	(P-13993/91; A-3078)	310.901	am	(P-1961; A-10248)
120.90	am	(P-13993/91; A-3078)	310.902	am	(P-1961; A-10248)
120.110	am	(P-13993/91; A-3078)	310.913	am	(P-1961; A-10248)
120.115	am	(P-13993/91; A-3078)	350.213	n	(P-5185)
140.10	r	(P-13241/91; A-2120)	410.109	am	(E-3369; O-8254; M-9137) (P-11007) (E-11345)
140.20	r	(P-13241/91; A-2120)	TITLE 50		
140.30	r	(P-13241/91; A-2120)			
140.40	r	(P-13241/91; A-2120)	904.30	am	(P-4159)
140.60	r	(P-13241/91; A-2120)	932.20	am	(P-7279)
310.101	am	(P-1961; A-10248)	932.40	am	(P-7279)
310.102	am	(P-1961; A-10248)	932.60	am	(P-7279)
310.103	am	(P-1961; A-10248)	1408.10	n	(P-8735)
310.106	am	(P-1961; A-10248)	1408.20	n	(P-8735)
310.107	am	(P-1961; A-10248)	1408.30	n	(P-8725)
310.109	am	(P-1961; A-10248)	1408.40	n	(P-8725)
310.110	am	(P-1961; A-10248)	1408.50	n	(P-8725)
310.111	am	(P-1961; A-10248)	1408.60	n	(P-8725)
310.113	am	(P-1961; A-10248)	1408.70	n	(P-8725)
310.114	am	(P-1961; A-10248)	1408.80	n	(P-8725)
310.201	am	(P-1961; A-10248)	1408.90	n	(P-8725)
310.202	am	(P-1961; A-10248)	II. A		
310.203	am	(P-1961; A-10248)	2008.10	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.204	am	(P-1961; A-10248)	2008.20	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.205	am	(P-1961; A-10248)	2008.30	am	(P-14859/91; PF-1743; W-2956; A-2766)
310.206	am	(P-1961; A-10248)	2008.40	am	(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.301	am	(P-1961; A-10248)			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.302	am	(P-1961; A-10248)			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.303	am	(P-1961; A-10248)			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.304	am	(P-1961; A-10248)			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)
310.305	am	(P-1961; A-10248)			(P-14859/91; PF-1743; W-2956; A-2766; C-3590)

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P		2013. 10		2013. 20		2013. 30		2013. 40		2013. 50		2013. 60		2013. 70		2015. 10		2015. 20		2015. 30		2015. 40		2015. 50		2015. 60		2015. 70		2015. 80		2015. 90		2015. 100		2015. 110		2015. 120		2015. 130		2015. 140		2015. 150		2015. 160		2015. 170		2015. 180		2015. 190		2015. 200		2015. 210		2015. 220		2015. 230		2015. 240		2015. 250		2015. 260		2015. 270		2015. 280		2015. 290		2015. 300		2015. 310		2015. 320		2015. 330		2015. 340		2015. 350		2015. 360		2015. 370		2015. 380		2015. 390		2015. 400		2015. 410		2015. 420		2015. 430		2015. 440		2015. 450		2015. 460		2015. 470		2015. 480		2015. 490		2015. 500		2015. 510		2015. 520		2015. 530		2015. 540		2015. 550		2015. 560		2015. 570		2015. 580		2015. 590		2015. 600		2015. 610		2015. 620		2015. 630		2015. 640		2015. 650		2015. 660		2015. 670		2015. 680		2015. 690		2015. 700		2015. 710		2015. 720		2015. 730		2015. 740		2015. 750		2015. 760		2015. 770		2015. 780		2015. 790		2015. 800		2015. 810		2015. 820		2015. 830		2015. 840		2015. 850		2015. 860		2015. 870		2015. 880		2015. 890		2015. 900		2015. 910		2015. 920		2015. 930		2015. 940		2015. 950		2015. 960		2015. 970		2015. 980		2015. 990		2016. 000		2016. 010		2016. 020		2016. 030		2016. 040		2016. 050		2016. 060		2016. 070		2016. 080		2016. 090		2016. 100		2016. 110		2016. 120		2016. 130		2016. 140		2016. 150		2016. 160		2016. 170		2016. 180		2016. 190		2016. 200		2016. 210		2016. 220		2016. 230		2016. 240		2016. 250		2016. 260		2016. 270		2016. 280		2016. 290		2016. 300		2016. 310		2016. 320		2016. 330		2016. 340		2016. 350		2016. 360		2016. 370		2016. 380		2016. 390		2016. 400		2016. 410		2016. 420		2016. 430		2016. 440		2016. 450		2016. 460		2016. 470		2016. 480		2016. 490		2016. 500		2016. 510		2016. 520		2016. 530		2016. 540		2016. 550		2016. 560		2016. 570		2016. 580		2016. 590		2016. 600		2016. 610		2016. 620		2016. 630		2016. 640		2016. 650		2016. 660		2016. 670		2016. 680		2016. 690		2016. 700		2016. 710		2016. 720		2016. 730		2016. 740		2016. 750		2016. 760		2016. 770		2016. 780		2016. 790		2016. 800		2016. 810		2016. 820		2016. 830		2016. 840		2016. 850		2016. 860		2016. 870		2016. 880		2016. 890		2016. 900		2016. 910		2016. 920		2016. 930		2016. 940		2016. 950		2016. 960		2016. 970		2016. 980		2016. 990		2017. 000		2017. 010		2017. 020		2017. 030		2017. 040		2017. 050		2017. 060		2017. 070		2017. 080		2017. 090		2017. 100		2017. 110		2017. 120		2017. 130		2017. 140		2017. 150		2017. 160		2017. 170		2017. 180		2017. 190		2017. 200		2017. 210		2017. 220		2017. 230		2017. 240		2017. 250		2017. 260		2017. 270		2017. 280		2017. 290		2017. 300		2017. 310		2017. 320		2017. 330		2017. 340		2017. 350		2017. 360		2017. 370		2017. 380		2017. 390		2017. 400		2017. 410		2017. 420		2017. 430		2017. 440		2017. 450		2017. 460		2017. 470		2017. 480		2017. 490		2017. 500		2017. 510		2017. 520		2017. 530		2017. 540		2017. 550		2017. 560		2017. 570		2017. 580		2017. 590		2017. 600		2017. 610		2017. 620		2017. 630		2017. 640		2017. 650		2017. 660		2017. 670		2017. 680		2017. 690		2017. 700		2017. 710		2017. 720		2017. 730		2017. 740		2017. 750		2017. 760		2017. 770		2017. 780		2017. 790		2017. 800		2017. 810		2017. 820		2017. 830		2017. 840		2017. 850		2017. 860		2017. 870		2017. 880		2017. 890		2017. 900		2017. 910		2017. 920		2017. 930		2017. 940		2017. 950		2017. 960		2017. 970		2017. 980		2017. 990		2018. 000		2018. 010		2018. 020		2018. 030		2018. 040		2018. 050		2018. 060		2018. 070		2018. 080		2018. 090		2018. 100		2018. 110		2018. 120		2018. 130		2018. 140		2018. 150		2018. 160		2018. 170		2018. 180		2018. 190		2018. 200		2018. 210		2018. 220		2018. 230		2018. 240		2018. 250		2018. 260		2018. 270		2018. 280		2018. 290		2018. 300		2018. 310		2018. 320		2018. 330		2018. 340		2018. 350		2018. 360		2018. 370		2018. 380		2018. 390		2018. 400		2018. 410		2018. 420		2018. 430		2018. 440		2018. 450		2018. 460		2018. 470		2018. 480		2018. 490		2018. 500		2018. 510		2018. 520		2018. 530		2018. 540		2018. 550		2018. 560		2018. 570		2018. 580		2018. 590		2018. 600		2018. 610		2018. 620		2018. 630		2018. 640		2018. 650		2018. 660		2018. 670		2018. 680		2018. 690		2018. 700		2018. 710		2018. 720		2018. 730		2018. 740		2018. 750		2018. 760		2018. 770		2018. 780		2018. 790		2018. 800		2018. 810		2018. 820		2018. 830		2018. 840		2018. 850		2018. 860		2018. 870		2018. 880		2018. 890		2018. 900		2018. 910		2018. 920		2018. 930		2018. 940		2018. 950		2018. 960		2018. 970		2018. 980		2018. 990		2019. 000		2019. 010		2019. 020		2019. 030		2019. 040		2019. 050		2019. 060		2019. 070		2019. 080		2019. 090		2019. 100		2019. 110		2019. 120		2019. 130		2019. 140		2019. 150		2019. 160		2019. 170		2019. 180		2019. 190		2019. 200		2019. 210		2019. 220		2019. 230		2019. 240		2019. 250		2019. 260		2019. 270		2019. 280		2019. 290		2019. 300		2019. 310		2019. 320		2019. 330		2019. 340		2019. 350		2019. 360		2019. 370		2019. 380		2019. 390		2019. 400		2019. 410		2019. 420		2019. 430		2019. 440		2019. 450		2019. 460		2019. 470		2019. 480		2019. 490		2019. 500		2019. 510		2019. 520		2019. 530		2019. 540		2019. 550		2019. 560		2019. 570		2019. 580		2019. 590		2019. 600		2019. 610		2019. 620		2019. 630		2019. 640		2019. 650		2019. 660		2019. 670		2019. 680		2019. 690		2019. 700		2019. 710		2019. 720		2019. 730		2019. 740		2019. 750		2019. 760		2019. 770		2019. 780		2019. 790		2019. 800		2019. 810		2019. 820		2019. 830		2019. 840		2019. 850		2019. 860		2019. 870		2019. 880		2019. 890		2019. 900		2019. 910		2019. 920		2019. 930		2019. 940		2019. 950		2019. 960		2019. 970		2019. 980		2019. 990		2020. 000		2020. 010		2020. 020		2020. 030		2020. 040		2020. 050		2020. 060		2020. 070		2020. 080		2020. 090		2020. 100		2020. 110		2020. 120		2020. 130		2020. 140		2020. 150		2020. 160		2020. 170		2020. 180		2020. 190		2020. 200		2020. 210		2020. 220		2020. 230		2020. 240		2020. 250		2020. 260		2020. 270		2020. 280		2020. 290		2020. 300		2020. 310		2020. 320		2020. 330		2020. 340		2020. 350		2020. 360		2020. 370		2020. 380		2020. 390		2020. 400		2020. 410		2020. 420		2020. 430		2020. 440		2020. 450		2020. 460		2020. 470		2020. 480		2020. 490		2020. 500		2020. 510		2020. 520		2020. 530		2020. 540		2020. 550		2020. 560		2020. 570		2020. 580		2020. 590		2020. 600		2020. 610		2020. 620		2020. 630		2020. 640		2020. 650		2020. 660		2020. 670		2020. 680		2020. 690		2020. 700		2020. 710		2020. 720		2020. 730		2020. 740		2020. 750		2020. 760		2020. 770		2020. 780		2020. 790		2020. 800		2020. 810		2020. 820		2020. 830		2020. 840		2020. 850		2020. 860		2020. 870		2020. 880		2020. 890		2020. 900		2020. 910		2020. 920		2020. 930		2020. 940		2020. 950		2020. 960		2020. 970		2020. 980		2020. 990		2021. 000		2021. 010		2021. 020		2021. 030		2021. 040		2021. 050		2021. 060		2021. 070		2021. 080		2021. 090		2021. 100		2021. 110		2021. 120		2021. 130		2021. 140		2021. 150		2021. 160		2021. 170		2021. 180		2021. 190		2021. 200		2021. 210		2021. 220		2021. 230		2021. 240		2021. 250		2021. 260		2021. 270		2021. 280		2021. 290		2021. 300		2021. 310		2021. 320		2021. 330		2021. 340		2021. 350		2021. 360		2021. 370		2021. 380		2021. 390		2021. 400		2021. 410		2021. 420		2021. 430		2021. 440		2021. 450		2021. 460		2021. 470		2021. 480		2021. 490		2021. 500		2021. 510		2021. 520		2021. 530		2021. 540		2021. 550		2021. 560		2021. 570		2021. 580		2021. 590		2021. 600		2021. 610		2021. 620		2021. 630		2021. 640		2021. 650		2021. 660		2021. 670		2021. 680		2021. 690		2021. 700		2021. 710		2021. 720		2021. 730		2021. 740		2021. 750		2021. 760		2021. 770		2021. 780		2021. 790		2021. 800		2021. 810		2021. 820		2021. 830		2021. 840		2021. 850		2021. 860		2021. 870		2021. 880		2021. 890		2021. 900		2021. 910		2021. 920		2021. 930		2021. 940		2021. 950		2021. 960		2021. 970		2021. 980		2021. 990		2022. 000		2022. 010		2022. 020		2022. 030		2022. 040		2022. 050		2022. 060		2022. 070		2022. 080		2022. 090		2022. 100		2022. 110		2022. 120		2022. 130		2022. 140		2022. 150		2022. 160		2022. 170		2022. 180		2022. 190		20	
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SECTIONS AFFECTED INDEX

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300.760	n	(P-4626; C-6897)	360.160	n	(P-8838)
300.770	n	(P-4626; C-6897)	360.170	n	(P-8838)
300.780	n	(P-4626; C-6897)	360.180	n	(P-8838)
300.790	n	(P-4626; C-6897)	1700.10	n	(P-1469)
300.800	n	(P-4626; C-6897)	1700.20	n	(P-1469)
300.810	n	(P-4626; C-6897)	1700.30	n	(P-1469)
300.820	n	(P-4626; C-6897)	1700.40	n	(P-1469)
300.830	n	(P-4626; C-6897)	1700.50	n	(P-1469)
300.840	n	(P-4626; C-6897)	1700.60	n	(P-1469)
300.850	n	(P-4626; C-6897)	1700.70	n	(P-1469)
300.860	n	(P-4626; C-6897)	1700.80	n	(P-1469)
300.870	n	(P-4626; C-6897)	1700.90	n	(P-1469)
300.880	n	(P-4626; C-6897)	1700.100	n	(P-1469)
300.890	n	(P-4626; C-6897)	1700.110	n	(P-1469)
300.900	n	(P-4626; C-6897)	1700.120	n	(P-1469)
300.910	n	(P-4626; C-6897)	1700.130	n	(P-1469)
300.920	n	(P-4626; C-6897)	1700.140	n	(P-1469)
300.930	n	(P-4626; C-6897)	1700.150	n	(P-1469)
300.940	n	(P-4626; C-6897)	1700.160	n	(P-1469)
300.950	n	(P-4626; C-6897)	1700.170	n	(P-1469)
300.960	n	(P-4626; C-6897)	1700.180	n	(P-1469)
300.970	n	(P-4626; C-6897)	1700.190	n	(P-1469)
300.980	n	(P-4626; C-6897)	1700.200	n	(P-1469)
300.990	n	(P-4626; C-6897)	1700.210	n	(P-1469)
300.1000	n	(P-4626; C-6897)	1700.220	n	(P-1469)
300.1010	n	(P-4626; C-6897)	1700.230	n	(P-1469)
300.1020	n	(P-4626; C-6897)	1700.240	n	(P-1469)
350.10	am	(P-1; A-8518)	1700.250	n	(P-1469)
350.280	am	(P-1) (P-3780; A-8518)	1700.260	n	(P-1469)
350.290	n	(P-3260)	1700.270	n	(P-1469)
350.300	n	(P-3260)	1700.280	n	(P-1469)
350.310	n	(P-3260)	1700.290	n	(P-1469)
350.400	n	(P-4645; C-6057)	1700.300	n	(P-1469)
350.410	n	(P-4645; C-6057)	1700.310	n	(P-1469)
350.420	n	(P-4645; C-6057)	1700.320	n	(P-1469)
350.430	n	(P-4645; C-6057)	1700.330	n	(P-1469)
350.440	n	(P-4645; C-6057)	1700.340	n	(P-1469)
350.450	n	(P-4645; C-6057)	1700.350	n	(P-1469)
350.460	n	(P-4645; C-6057)	1700.360	n	(P-1469)
350.470	n	(P-4645; C-6057)	1700.370	n	(P-1469)
350.480	n	(P-4645; C-6057)	1700.380	n	(P-1469)
350.490	n	(P-4645; C-6057)	1700.390	n	(P-1469)
350.500	n	(P-4645; C-6057)	1700.400	n	(P-1469)
350.510	n	(P-4645; C-6057)	1700.410	n	(P-1469)
350.520	n	(P-4645; C-6057)	1700.420	n	(P-1469)
350.530	n	(P-4645; C-6057)	1700.430	n	(P-1469)
350.540	n	(P-4645; C-6057)	1700.440	n	(P-1469)
350.550	n	(P-4645; C-6057)	1700.450	n	(P-1469)
350.560	n	(P-4645; C-6057)	1700.460	n	(P-1469)
350.570	n	(P-4645; C-6057)	1700.470	n	(P-1469)
350.580	n	(P-4645; C-6057)	1700.480	n	(P-1469)
350.590	n	(P-4645; C-6057)	1700.490	n	(P-1469)
350.600	n	(P-4645; C-6057)	1700.500	n	(P-1469)
350.610	n	(P-4645; C-6057)	1700.510	n	(P-1469)
350.620	n	(P-4645; C-6057)	1700.520	n	(P-1469)
350.630	n	(P-4645; C-6057)	1700.530	n	(P-1469)
350.640	n	(P-4645; C-6057)	1700.540	n	(P-1469)
350.650	n	(P-4645; C-6057)	1700.550	n	(P-1469)
350.660	n	(P-4645; C-6057)	1700.560	n	(P-1469)
350.670	n	(P-4645; C-6057)	1700.570	n	(P-1469)
350.680	n	(P-4645; C-6057)	1700.580	n	(P-1469)
350.690	n	(P-4645; C-6057)	1700.590	n	(P-1469)
350.700	n	(P-4645; C-6057)	1700.600	n	(P-1469)
350.710	n	(P-4645; C-6057)	1700.610	n	(P-1469)
350.720	n	(P-4645; C-6057)	1700.620	n	(P-1469)
350.730	n	(P-4645; C-6057)	1700.630	n	(P-1469)
350.740	n	(P-4645; C-6057)	1700.640	n	(P-1469)
350.750	n	(P-4645; C-6057)	1700.650	n	(P-1469)
350.760	n	(P-4645; C-6057)	1700.660	n	(P-1469)
350.770	n	(P-4645; C-6057)	1700.670	n	(P-1469)
350.780	n	(P-4645; C-6057)	1700.680	n	(P-1469)
350.790	n	(P-4645; C-6057)	1700.690	n	(P-1469)
350.800	n	(P-4645; C-6057)	1700.700	n	(P-1469)
350.810	n	(P-4645; C-6057)	1700.710	n	(P-1469)
350.820	n	(P-4645; C-6057)	1700.720	n	(P-1469)
350.830	n	(P-4645; C-6057)	1700.730	n	(P-1469)
350.840	n	(P-4645; C-6057)	1700.740	n	(P-1469)
350.850	n	(P-4645; C-6057)	1700.750	n	(P-1469)
350.860	n	(P-4645; C-6057)	1700.760	n	(P-1469)
350.870	n	(P-4645; C-6057)	1700.770	n	(P-1469)
350.880	n	(P-4645; C-6057)	1700.780	n	(P-1469)
350.890	n	(P-4645; C-6057)	1700.790	n	(P-1469)
350.900	n	(P-4645; C-6057)	1700.800	n	(P-1469)
350.910	n	(P-4645; C-6057)	1700.810	n	(P-1469)
350.920	n	(P-4645; C-6057)	1700.820	n	(P-1469)
350.930	n	(P-4645; C-6057)	1700.830	n	(P-1469)
350.940	n	(P-4645; C-6057)	1700.840	n	(P-1469)
350.950	n	(P-4645; C-6057)	1700.850	n	(P-1469)
350.960	n	(P-4645; C-6057)	1700.860	n	(P-1469)
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350.980	n	(P-4645; C-6057)	1700.880	n	(P-1469)
350.990	n	(P-4645; C-6057)	1700.890	n	(P-1469)
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2732.220	n	(P-3248; A-8173)	5300.960	am	(P-10521/91; A-7838)
2732.305	n	(P-785)	5300.1145	am	(P-10521/91; A-7838)
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2760.120	am	(P-14023/91; A-3993)	5300.1160	am	(P-10521/91; A-7838)
2760.125	am	(P-14023/91; A-3993)	5400.110	am	(P-1490; A-8529)
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2760.150	am	(P-14023/91; A-3993)	6000.50	am	(E-1693)
2765.45	am	(P-14023/91; A-2131)	6000.340	am	(P-5399)
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5300.460	am	(P-10521/91; A-7838)			
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870.400	(P-12094/91; A-3096)	n
870.405	(P-12094/91; A-3096)	n
870.500	(P-12094/91; A-3096)	n
870.505	(P-12094/91; A-3096)	n
870.510	(P-12094/91; A-3096)	n
870.515	(P-12094/91; A-3096)	n
870.520	(P-12094/91; A-3096)	n
870.525	(P-12094/91; A-3096)	n
1130.10	(P-2010)	n
1130.20	(P-2010)	n
1130.30	(P-2010)	n
1130.40	(P-2010)	n
1130.50	(P-2010)	n
1130.60	(P-2010)	n
1130.70	(P-2010)	n
1150.20	(P-2492/91; A-3143)	am
1150.30	(P-2492/91; A-3143)	am
1150.40	(P-2492/91; A-3143)	am
1150.50	(P-2492/91; A-3143)	am
1150.60	(P-2492/91; A-3143)	am

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1150.65	(P-2492/91; A-3143)	am
1150.70	(P-2492/91; A-3143)	am
1150.80	(P-2492/91; A-3143)	am
1150.90	(P-2492/91; A-3143)	am
1150.100	(P-2492/91; A-3143)	am
1150.110	(P-2492/91; A-3143)	am
1150.11A	(P-2492/91; A-3143)	am
1175.565	(P-8033)	am
1200.30	(P-14369/91; A-3169)	am
1255.10	(P-17030/91; A-3194)	n
1255.20	(P-17030/91; A-3194)	n
1255.30	(P-17030/91; A-3194)	n
1255.40	(P-17030/91; A-3194)	n
1255.50	(P-17030/91; A-3194)	n
1255.60	(P-17030/91; A-3194)	n
1255.70	(P-17030/91; A-3194)	n
1255.80	(P-17030/91; A-3194)	n
1255.90	(P-17030/91; A-3194)	n
1270.20	(P-10863)	am
1275.40	(P-5741; A-10458)	am
1275.50	(P-5741; A-10458)	am
1275.80	(P-5741; A-10458)	n
1310.20	(P-3784)	am
1310.30	(P-3784)	am
1310.40	(P-3784)	am
1310.60	(P-3784)	am
1310.70	(P-3784)	am
1310.75	(P-3784)	am
1310.85	(P-3784)	am
1310.90	(P-3784)	am
1330.20	(P-5746)	am
1330.30	(P-5746)	am
1330.40	(P-5746)	am
1330.50	(P-5746)	am
1330.55	(P-5746)	am
1330.70	(P-5746)	am
1330.75	(P-5746)	n
1330.80	(P-5746)	am
1330.90	(P-5746)	am
1330.91	(P-5746)	am
1330.92	(P-5746)	am
1330.93	(P-5746)	am
1330.94	(P-5746)	am
1330.95	(P-5746)	am
1330.96	(P-5746)	am
1330.99	(P-5746)	am
1330.100	(P-5746)	am
1330.110	(P-5746)	am

TITLE 74

750.10	(P-10408)	am
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750.30	am	(P-10408)	390.120	am	(P-4309/91; A-623)
750.40	am	(P-15035/91; A-203)	390.140	am	(P-18407/91; RC-10502)
		(P-10408)	390.150	am	(P-18407/91; RC-10502)
		(P-10408)	390.330	am	(P-4309/91; A-623)
750.41	n	(P-10408)			(P-18407/91; RC-10502)
750.90	am	(P-10408)	390.640	am	(P-18407/91; RC-10502)
750.110	am	(P-10408)	390.1040	am	(P-18407/91; RC-10502)
750.120	am	(P-10408)	390.3000	am	(P-18407/91; RC-10502)
750.130	am	(P-10408)	390.3310	am	(P-18407/91; RC-10502)
750. Ap. A	am	(P-10408)	395.100	am	(P-8066)
750. Ap. B	am	(P-15035/91; A-203)	395.110	am	(P-8066)
750. Ap. C	n	(P-10408)	395.120	am	(P-8066)
		(P-15035/91; A-203)	395.130	am	(P-8066)
		(P-10408)	395.140	am	(P-8066)
		(P-3426)	395.150	am	(P-8066)
205.620	am	(P-2016)	395.160	am	(P-8066)
250.2720	n	(P-2034)	395.170	am	(P-8066)
300.110	am	(P-4367/91; A-681)	395.180	am	(P-8066)
300.120	am	(P-2034)	395.190	am	(P-8066)
300.140	am	(P-2034)	395.200	r	(P-8066)
300.150	am	(P-2034)	395.300	am	(P-8066)
300.330	am	(P-4367/91; A-681)	395.400	am	(P-8066)
		(P-2034)	535.10	am	(P-10911)
300.620	am	(P-4367/91; A-681)	535.20	am	(P-10911)
300.630	am	(P-2034)	535.100	am	(P-10911)
300.1010	am	(P-2034)	535.150	am	(P-10911)
300.1220	am	(P-2034)	535.200	am	(P-10911)
300.1240	am	(P-2034)	535.210	am	(P-10911)
300.2070	am	(P-2034)	535.215	am	(P-10911)
300.2420	am	(P-14039/91; A-5977)	535.216	n	(P-10911)
300.3060	am	(P-2034)	535.220	r	(P-10911)
300.3100	am	(P-2034)	535.230	am	(P-10911)
300.3310	am	(P-2034)	535.260	am	(P-10911)
300.3710	am	(P-2034)	535.265	am	(P-10911)
300. Ap. B	r	(P-2034)	535.270	am	(P-10911)
330.120	am	(P-4338/91; A-651)	535.310	am	(P-10911)
330.330	am	(P-4338/91; A-651)	535.315	am	(P-10911)
350.120	am	(P-4280/91; A-594)	535.320	am	(P-10911)
350.140	am	(P-18357/91; RC-10501)	535.330	am	(P-10911)
350.150	am	(P-18357/91; RC-10501)	535.340	am	(P-10911)
350.330	am	(P-4280; A-594)	535.400	am	(P-10911)
		(P-18357/91; RC-10501)	535.410	am	(P-10911)
350.370	am	(P-18357/91; RC-10501)	535.415	am	(P-10911)
350.640	am	(P-4791)	535.420	am	(P-10911)
350.1230	am	(P-18357/91; RC-10501)	535.430	am	(P-10911)
350.1870	am	(P-18357/91; RC-10501)	535.435	am	(P-10911)
350.2960	am	(P-18357/91; RC-10501)	535.440	am	(P-10911)
350.3000	am	(P-18357/91; RC-10501)	535.500	n	(P-10911)
350.3310	am	(P-18357/91; RC-10501)	535.510	r	(P-10911)
350.4210	am	(P-18357/91; RC-10501)	535.515	am	(P-10911)
		(P-18357/91; RC-10501)	535.520	am	(P-10911)

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205.620	am	(P-3426)	535.150	am	(P-10911)	750.2030	n	(P-5836)
250.2720	n	(P-2016)	535.160	am	(P-8066)	750.2031	n	(P-5836)
300.110	am	(P-2034)	535.170	am	(P-8066)	750.2032	n	(P-5836)
300.120	am	(P-4367/91; A-681)	535.180	am	(P-8066)	750.2040	n	(P-5836)
300.140	am	(P-2034)	535.190	am	(P-8066)	750.2041	n	(P-5836)
300.150	am	(P-2034)	535.200	r	(P-8066)	750.2042	n	(P-5836)
300.330	am	(P-2034)	535.300	am	(P-8066)	750.2050	n	(P-5836)
		(P-4367/91; A-681)	535.400	am	(P-8066)	750.2060	n	(P-5836)
300.620	am	(P-4367/91; A-681)	535.10	am	(P-10911)	750.2070	n	(P-5836)
300.630	am	(P-2034)	535.20	am	(P-10911)	750.2080	n	(P-5836)
300.1010	am	(P-2034)	535.100	am	(P-10911)	750.3000	n	(P-5836)
300.1220	am	(P-2034)	535.150	am	(P-10911)	750.3100	n	(P-5836)
300.1240	am	(P-2034)	535.200	am	(P-10911)	750.3200	n	(P-5836)
300.2070	am	(P-2034)	535.210	am	(P-10911)	760.15	am	(P-5861)
300.2420	am	(P-14039/91; A-5977)	535.215	am	(P-10911)	760.20	am	(P-5861)
300.3060	am	(P-2034)	535.216	n	(P-10911)	760.100	am	(P-5861)
300.3100	am	(P-2034)	535.220	r	(P-10911)	760.110	am	(P-5861)
300.3310	am	(P-2034)	535.230	am	(P-10911)	760.900	am	(P-5861)
300.3710	am	(P-2034)	535.260	am	(P-10911)	760.2000	n	(P-5861)
300. Ap. B	r	(P-2034)	535.265	am	(P-10911)	760.2010	n	(P-5861)
330.120	am	(P-4338/91; A-651)	535.270	am	(P-10911)	760.2020	n	(P-5861)
330.330	am	(P-4338/91; A-651)	535.310	am	(P-10911)	760.2030	n	(P-5861)
350.120	am	(P-4280/91; A-594)	535.315	am	(P-10911)	760.2031	n	(P-5861)
350.140	am	(P-18357/91; RC-10501)	535.320	am	(P-10911)	760.2032	n	(P-5861)
350.150	am	(P-18357/91; RC-10501)	535.330	am	(P-10911)	760.2040	n	(P-5861)
350.330	am	(P-4280; A-594)	535.340	am	(P-10911)	760.2041	n	(P-5861)
		(P-18357/91; RC-10501)	535.400	am	(P-10911)	760.2042	n	(P-5861)
350.370	am	(P-18357/91; RC-10501)	535.410	am	(P-10911)	760.2050	n	(P-5861)
350.640	am	(P-4791)	535.415	am	(P-10911)	760.2060	n	(P-5861)
350.1230	am	(P-18357/91; RC-10501)	535.420	am	(P-10911)	760.2070	n	(P-5861)
350.1870	am	(P-18357/91; RC-10501)	535.430	am	(P-10911)	760.2080	n	(P-5861)
350.2960	am	(P-18357/91; RC-10501)	535.435	am	(P-10911)	760.3000	n	(P-5861)
350.3000	am	(P-18357/91; RC-10501)	535.440	am	(P-10911)	760.3100	n	(P-5861)
350.3310	am	(P-18357/91; RC-10501)	535.500	n	(P-10911)	760.3200	n	(P-5861)
350.4210	am	(P-18357/91; RC-10501)	535.510	r	(P-10911)	770.10	r	(P-5885)
		(P-18357/91; RC-10501)	535.515	am	(P-10911)	770.20	r	(P-5885)
		(P-18357/91; RC-10501)	535.520	am	(P-10911)	770.30	r	(P-5885)

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535.530	am	(P-10911)	790.480	am	(P-4782) (E-4899)
535.535	am	(P-10911)	790.500	am	(P-4782) (E-4899)
535.540	am	(P-10911)	790.540	am	(P-4782) (E-4899)
535.600	am	(P-10911)	790.548	am	(P-4782) (E-4899)
535.650	am	(P-10911)	790.580	am	(P-4782) (E-4899)
535.750	am	(P-10911)	790.600	am	(P-15943/91; A-5941; C-7512) (P-4782)
535.810	am	(P-10911)			(E-4899) (P-8329)
535.1000	n	(P-10911)			(E-8571)
630.20	am	(P-8103)			(P-4782) (E-4899)
630.90	am	(P-8103)			(P-4782) (E-4899)
630.200	am	(P-8103)			(P-4782) (E-4899)
672.100	am	(P-9424)			(P-4782) (E-4899)
672.105	am	(P-9424)			(P-4782) (E-4899)
672.200	am	(P-9424)			(P-4782) (E-4899)
672.205	am	(P-9424)			(P-4782) (E-4899)
672.210	am	(P-9424)			(P-4782) (E-4899)
672.215	am	(P-9424)			(P-4782) (E-4899)
672.225	am	(P-9424)			(P-4782) (E-4899)
672.300	am	(P-9424)			(P-4782) (E-4899)
672.405	am	(P-9424)			(P-4782) (E-4899)
672.415	am	(P-9424)			(P-4782) (E-4899)
672.420	am	(P-9424)			(P-4782) (E-4899)
672.450	am	(P-9424)			(P-4782) (E-4899)
672.505	am	(P-9424)			(P-4782) (E-4899)
672.510	am	(P-9424)			(P-4782) (E-4899)
672.515	am	(P-9424)			(P-4782) (E-4899)
672.615	am	(P-9424)			(P-4782) (E-4899)
672.625	am	(P-9424)			(P-4782) (E-4899)
672. Ap. A	am	(P-9424)			(P-4782) (E-4899)
692.10	n	(P-14389/91; A-4052)			(P-4782) (E-4899)
692. Ap. A	n	(P-14389/91; A-4052)			(P-4782) (E-4899)
692. Ap. B	n	(P-14389/91; A-4052)			(P-4782) (E-4899)
693.10	am	(P-16874/91; RC-4556; A-5921)			(P-4782) (E-4899)
693.15	am	(P-16874/91; A-5921)			(P-4782) (E-4899)
693.30	am	(P-16874/91; RC-4556; A-5921)			(P-4782) (E-4899)
693.40	am	(P-16874/91; RC-4556; A-5921)			(P-4782) (E-4899)
693.45	n	(P-16874/91; A-5921)			(P-4782) (E-4899)
693.100	am	(P-16874/91; A-5921)			(P-4782) (E-4899)
694.220	am	(P-6972/91; A-5916)			(P-4782) (E-4899)
750.5	am	(P-5836)			(P-4782) (E-4899)
750.10	am	(P-5836)			(P-4782) (E-4899)
750.100	am	(P-5836)			(P-4782) (E-4899)
750.110	am	(P-5836)			(P-4782) (E-4899)
750.1000	am	(P-5836)			(P-4782) (E-4899)
750.2000	n	(P-5836)			(P-4782) (E-4899)
750.2010	n	(P-5836)			(P-4782) (E-4899)
750.2020	n	(P-5836)			(P-4782) (E-4899)

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790.3308	am	(P-4782) (E-4899)
790.3315	am	(P-4782) (E-4899)
790.3335	am	(P-4782) (E-4899)
790.3340	am	(P-4782) (E-4899)
790.3420	am	(P-4782) (E-4899)
790.3437	am	(P-4782) (E-4899)
790.3472	am	(P-8329) (E-8571)
790.3480	n	(P-4782) (E-4899)
790.3492	am	(P-4782) (E-4899)
790.3495	n	(P-4782) (E-4899)
790.3540	am	(P-4782) (E-4899)
790.3620	am	(P-4782) (E-4899)
790.3700	am	(P-4782) (E-4899)
790.3742	am	(P-4782) (E-4899)
790.3780	am	(P-4782) (E-4899)
790.3860	am	(P-4782) (E-4899)
790.3875	n	(P-4782) (E-4899)
790.3907	am	(P-4782) (E-4899)
790.3910	am	(P-4782) (E-4899)
		(P-15943/91; A-5941;
		C-7512)
790.3940	am	(P-4782) (E-4899)
790.3945	am	(P-4782) (E-4899)
790.3980	am	(P-8329) (E-8571)
790.3996	am	(P-4782) (E-4899)
790.4012	am	(P-4782) (E-4899)
790.4040	am	(P-4782) (E-4899)
		(P-15943/91; A-5941;
		C-7512)
790.4060	am	(P-4782) (E-4899)
790.4100	am	(P-4782) (E-4899)
790.4140	am	(P-4782) (E-4899)
790.4173	am	(P-8329) (E-8571)
790.4180	am	(P-4782) (E-4899)
790.4220	am	(P-4782) (E-4899)
790.4260	am	(P-4782) (E-4899)
790.4300	am	(P-4782) (E-4899)
790.4385	am	(P-4782) (E-4899)
790.4396	am	(P-4782) (E-4899)
790.4398	am	(P-4782) (E-4899)
790.4420	am	(P-4782) (E-4899)
790.4580	am	(P-4782) (E-4899)
790.4620	am	(P-4782) (E-4899)
790.4660	am	(P-4782) (E-4899)
		(P-8329) (E-8571)
790.4670	am	(P-4782) (E-4899)
790.4680	am	(P-4782) (E-4899)
790.4700	am	(P-4782) (E-4899)
790.4720	am	(P-4782) (E-4899)
790.4740	am	(P-4782) (E-4899)
790.4780	am	(P-4782) (E-4899)
790.4840	am	(P-4782) (E-4899)
790.4860	am	(P-4782) (E-4899)
790.4900	am	(P-4782) (E-4899)
790.4965	am	(P-8329) (E-8571)
790.4980	am	(P-4782) (E-4899)
790.5060	am	(P-4782) (E-4899)
790.5100	am	(P-4782) (E-4899)
790.5140	am	(P-4782) (E-4899)
790.5180	am	(P-4782) (E-4899)
		(P-15943/91; A-5941;
		C-7512)
790.5220	am	(P-4782) (E-4899)
790.5300	am	(P-4782) (E-4899)
790.5312	am	(P-4782) (E-4899)
		(P-15843/91; A-5941;
		C-7512)
790.5320	am	(P-15943/91; A-5941;
		C-7512)
790.5380	am	(P-4782) (E-4899)
		(P-15943/91; A-5941;
		C-7512)
790.5420	am	(P-4782) (E-4899)
790.5483	am	(P-4782) (E-4899)
790.5500	am	(P-4782) (E-4899)
790.5520	am	(P-4782) (E-4899)
790.5540	am	(P-4782) (E-4899)
790.5544	am	(P-4782) (E-4899)
790.5620	am	(P-4782) (E-4899)
790.5640	am	(P-8329) (E-8571)
790.5700	am	(P-4782) (E-4899)
790.5740	am	(P-4782) (E-4899)
790.5788	n	(P-4782) (E-4899)
790.5792	am	(P-4782) (E-4899)
790.5802	am	(P-4782) (E-4899)
790.5807	am	(P-4782) (E-4899)
		(P-4782) (E-4899)
790.5820	am	(P-4782) (E-4899)
790.5830	am	(P-4782) (E-4899)
790.5872	am	(P-4782) (E-4899)
790.5900	am	(P-4782) (E-4899)
790.5940	am	(P-4782) (E-4899)
790.5980	am	(P-4782) (E-4899)
790.6020	r	(P-4782) (E-4899)

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790.6140	am	(P-4782) (E-4899)	790.7380	am	(P-4782) (E-4899)
790.6180	am	(P-8329) (E-8571)	790.7400	am	(P-4782) (E-4899)
790.6260	am	(P-4782) (E-4899)	790.7420	am	(P-4782) (E-4899)
790.6275	am	(P-4782) (E-4899)	790.7500	am	(P-4782) (E-4899)
790.6277	am	(P-4782) (E-4899)	790.7510	am	(P-4782) (E-4899)
790.6280	r	(P-8329) (E-8571)	790.7540	am	(P-4782) (E-4899)
790.6300	am	(P-4782) (E-4899)	790.7580	am	(P-4782) (E-4899)
790.6340	am	(P-4782) (E-4899)	790.7700	am	(P-4782) (E-4899)
790.6370	am	(P-4782) (E-4899)	790.7740	am	(P-8329) (E-8571)
		(P-15943/91; A-5941;	790.7820	am	(P-4782) (E-4899)
		C-7512) (P-8329) (E-8571)	790.7828	am	(P-4782) (E-4899)
790.6375	am	(P-4782) (E-4899)			
790.6420	am	(P-4782) (E-4899)			
790.6430	am	(P-8329) (E-8571)	790.7834	am	(P-4782) (E-4899)
790.6452	am	(P-4782) (E-4899)	790.7860	am	(P-4782) (E-4899)
790.6456	am	(P-4782) (E-4899)	790.7940	am	(P-4782) (E-4899)
790.6460	am	(P-4782) (E-4899)	790.7980	am	(P-4782) (E-4899)
790.6480	am	(P-4782) (E-4899)	790.8015	am	(P-4782) (E-4899)
790.6500	am	(P-4782) (E-4899)	790.8020	am	(P-4782) (E-4899)
790.6540	am	(P-4782) (E-4899)	790.8030	am	(P-8329) (E-8571)
790.6570	r	(P-4782) (E-4899)	790.8106	am	(P-4782) (E-4899)
790.6580	am	(P-8329) (E-8571)	790.8136	am	(P-4782) (E-4899)
790.6610	am	(P-4782) (E-4899)	790.8248	am	(P-4782) (E-4899)
790.6670	am	(P-4782) (E-4899)	790.8300	am	(P-4782) (E-4899)
790.6780	am	(P-8329) (E-8571)	790.8540	am	(P-4782) (E-4899)
790.6800	am	(P-4782) (E-4899)	790.8580	am	(P-4782) (E-4899)
790.6820	am	(P-4782) (E-4899)			
790.6860	am	(P-4782) (E-4899)	790.8620	am	(P-4782) (E-4899)
790.6885	am	(P-4782) (E-4899)	790.8700	am	(P-4782) (E-4899)
790.6895	am	(P-4782) (E-4899)	790.8710	am	(P-4782) (E-4899)
790.6940	am	(P-4782) (E-4899)	790.8724	am	(P-4782) (E-4899)
790.6960	am	(P-4782) (E-4899)	790.8740	am	(P-4782) (E-4899)
790.6980	am	(P-4782) (E-4899)	790.8780	am	(P-4782) (E-4899)
790.7100	am	(P-4782) (E-4899)	790.8820	am	(P-4782) (E-4899)
790.7120	am	(P-4782) (E-4899)	790.8900	am	(P-4782) (E-4899)
790.7130	am	(P-4782) (E-4899)	790.8940	am	(P-4782) (E-4899)
790.7140	am	(P-4782) (E-4899)	790.8980	am	(P-4782) (E-4899)
790.7229	am	(P-4782) (E-4899)	790.9020	am	(P-4782) (E-4899)
790.7260	am	(P-4782) (E-4899)	790.9035	am	(P-4782) (E-4899)
790.7263	n	(P-4782) (E-4899)	790.9045	am	(P-4782) (E-4899)
790.7265	am	(P-4782) (E-4899)	790.9048	am	(P-4782) (E-4899)
790.7280	am	(P-8329) (E-8571)			
790.7291	am	(P-4782) (E-4899)			
790.7296	am	(P-4782) (E-4899)			

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790.9050	am	(P-15943/91; A-5941;	840.20	am	(P-4329)
		C-7512) (P-8329)	840.115	am	(P-4329)
790.9056	am	(E-8571)	840.210	am	(P-4329)
790.9060	am	(P-4782) (E-4899)	840.215	am	(P-4329)
790.9070	n	(P-4782) (E-4899)	840.305	am	(P-4329)
790.9084	am	(P-8329) (E-8571)	840.310	am	(P-4329)
790.9100	am	(P-4782) (E-4899)	840.310	am	(P-4329)
		(P-4782) (E-4899)	.Ex.A	am	(P-4329)
		(P-15943/91; A-5941;	.Il. A	r	(P-4329)
		C-7512)	.Ex.B	r	(P-4329)
790.9140	am	(P-4782) (E-4899)	.Il. B	r	(P-4329)
790.9180	am	(P-4782) (E-4899)	840.310	am	(P-4329)
790.9220	am	(P-4782) (E-4899)	.Ex.B	am	(P-4329)
790.9260	am	(P-4782) (E-4899)	900.10	am	(P-10870)
790.9300	am	(P-4782) (E-4899)	900.30	am	(P-10870)
790.9340	am	(P-4782) (E-4899)	900.40	am	(P-10870)
790.9380	am	(P-4782) (E-4899)	900.50	am	(P-10870)
790.9420	am	(P-4782) (E-4899)	900.60	am	(P-10870)
790.9460	am	(P-4782) (E-4899)	900.65	am	(P-10870)
790.9500	am	(P-4782) (E-4899)	900.70	am	(P-10870)
790.9520	am	(P-4782) (E-4899)	900.7b.E	n	(P-10870)
790.9530	am	(P-4782) (E-4899)	900.7b.F	n	(P-10870)
790.9580	am	(P-4782) (E-4899)	900.7b.G	n	(P-10870)
795.10	n	(P-8136)	900.7b.H	n	(P-10870)
795.20	n	(P-8136)	900.7b.I	n	(P-10870)
795.30	n	(P-8136)	900.Ex.A	n	(P-10870)
795.40	n	(P-8136)	900.Ex.B	n	(P-10870)
795.50	n	(P-8136)	900.Ex.C	n	(P-10870)
795.60	n	(P-8136)	900.Ex.D	n	(P-10870)
795.70	n	(P-8136)	905.15	am	(P-8128)
795.80	n	(P-8136)	905.100	am	(P-8128)
795.90	n	(P-8136)	915.10	am	(P-10989)
795.100	n	(P-8136)	915.20	am	(P-10989)
795.110	n	(P-8136)	915.40	n	(P-10989)
795.120	n	(P-8136)	915.50	n	(P-10989)
795.130	n	(P-8136)	1120.7b.H	n	(P-5205)
795.140	n	(P-8136)	1120.20	n	(P-5205)
795.150	n	(P-8136)	1120.110	n	(P-5205)
795.160	n	(P-8136)	1120.120	n	(P-5205)
795.170	n	(P-8136)	1120.130	n	(P-5205)
795.180	n	(P-8136)	1120.210	n	(P-5205)
795.190	n	(P-8136)	1120.310	n	(P-5205)
795.200	n	(P-8136)	1120.310	n	(P-5205)
795.210	n	(P-8136)	1120.4p.A	n	(P-5205)
795.220	n	(P-8136)	1130.140	am	(P-4755)
830.10	am	(P-2092)	1130.410	am	(P-4755)
830.880	am	(P-2092)	1130.410	am	(P-4755)
830.885	am	(P-2092)	1130.510	am	(P-4755)
830.890	am	(P-2092)	1130.620	am	(P-4755)
830.900	am	(P-2092)	1130.630	am	(P-4755)
			1130.640	am	(P-4755)
			1130.710	am	(P-4755)

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1130.720	(P-4755)	n	2030.130	(P-9083/91; A-2457)
1130.730	(P-4755)	n	2030.140	(P-9083/91; A-2457)
1130.740	(P-4755)	n	2030.150	(P-9083/91; A-2457)
1130.750	(P-4755)	n	2030.160	(P-9083/91; A-2457)
1130.760	(P-4755)	n	2030.210	(P-9153/91; A-2530)
1130.770	(P-4755)	n	2030.210	(P-9083/91; A-2457)
1130.780	(P-4755)	n	2030.220	(P-9153/91; A-2530)
1190.30	(P-3063)	n	2030.220	(P-9083/91; A-2457)
1230.10	(P-5187)	n	2030.230	(P-9153/91; A-2530)
1230.20	(P-5187)	n	2030.230	(P-9083/91; A-2457)
1230.30	(P-5187)	n	2030.310	(P-9153/91; A-2530)
1230.110	(P-5187)	n	2030.310	(P-9083/91; A-2457)
1230.120	(P-5187)	n	2030.320	(P-9153/91; A-2530)
1230.210	(P-5187)	n	2030.320	(P-9083/91; A-2457)
1230.220	(P-5187)	n	2030.330	(P-9153/91; A-2530)
1230.230	(P-5187)	n	2030.330	(P-9083/91; A-2457)
1230.240	(P-5187)	n	2030.340	(P-9153/91; A-2530)
1230.250	(P-5187)	n	2030.340	(P-9083/91; A-2457)
1230.260	(P-5187)	n	2030.350	(P-9153/91; A-2530)
1230.310	(P-5187)	n	2030.350	(P-9083/91; A-2457)
1230.320	(P-5187)	n	2030.360	(P-9083/91; A-2457)
1230.410	(P-5187)	n	2030.410	(P-9153/91; A-2530)
1230.420	(P-5187)	n	2030.410	(P-9083/91; A-2457)
1230.7b.A	(P-5187)	n	2030.420	(P-9153/91; A-2530)
1230.7b.B	(P-5187)	n	2030.420	(P-9083/91; A-2457)
1240.10	(P-5225)	n	2030.430	(P-9153/91; A-2530)
1240.20	(P-5225)	n	2030.430	(P-9083/91; A-2457)
1240.30	(P-5225)	n	2030.440	(P-9153/91; A-2530)
1240.40	(P-5225)	n	2030.440	(P-9083/91; A-2457)
1240.50	(P-5225)	n	2030.450	(P-9153/91; A-2530)
1240.60	(P-5225)	n	2030.450	(P-9083/91; A-2457)
1240.70	(P-5225)	n	2030.510	(P-9153/91; A-2530)
1240.Ap.A	(P-5225)	n	2030.510	(P-9083/91; A-2457)
2030.10	(P-9083/91; A-2457)	n	2030.520	(P-9153/91; A-2530)
2030.10	(P-9153/91; A-2530)	n	2030.520	(P-9083/91; A-2457)
2030.20	(P-9083/91; A-2457)	n	2030.530	(P-9153/91; A-2530)
2030.20	(P-9153/91; A-2530)	n	2030.540	(P-9083/91; A-2457)
2030.30	(P-9083/91; A-2457)	n	2030.550	(P-9153/91; A-2530)
2030.30	(P-9153/91; A-2530)	n	2030.610	(P-9083/91; A-2457)
2030.40	(P-9083/91; A-2457)	n	2030.610	(P-9153/91; A-2530)
2030.40	(P-9153/91; A-2530)	n	2030.620	(P-9083/91; A-2457)
2030.50	(P-9153/91; A-2530)	n	2030.620	(P-9153/91; A-2530)
2030.100	(P-9083/91; A-2457)	n	2030.630	(P-9153/91; A-2530)
2030.105	(P-9083/91; A-2457)	n	2030.640	(P-9153/91; A-2530)
2030.107	(P-9083/91; A-2457)	n	2030.710	(P-9153/91; A-2530)
2030.110	(P-9153/91; A-2530)	n	2030.710	(P-9083/91; A-2457)
2030.110	(P-9083/91; A-2457)	n	2030.720	(P-9153/91; A-2530)
2030.115	(P-9083/91; A-2457)	n	2030.720	(P-9083/91; A-2457)
2030.120	(P-9153/91; A-2530)	n	2030.730	(P-9153/91; A-2530)
2030.120	(P-9083/91; A-2457)	n	2030.730	(P-9083/91; A-2457)
2030.130	(P-9153/91; A-2530)	n	2030.740	(P-9153/91; A-2530)

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2030.740	(P-9083/91; A-2457)	n	2030.1225	(P-9153/91; A-2530)
2030.750	(P-9153/91; A-2530)	n	2030.1225	(P-9083/91; A-2457)
2030.750	(P-9083/91; A-2457)	n	2030.1230	(P-9153/91; A-2530)
2030.760	(P-9153/91; A-2530)	n	2030.1240	(P-9083/91; A-2457)
2030.760	(P-9083/91; A-2457)	n	2030.1245	(P-9153/91; A-2530)
2030.810	(P-9153/91; A-2530)	n	2030.1250	(P-9083/91; A-2457)
2030.810	(P-9083/91; A-2457)	n	2030.1250	(P-9153/91; A-2530)
2030.820	(P-9153/91; A-2530)	n	2030.1255	(P-9083/91; A-2457)
2030.820	(P-9083/91; A-2457)	n	2030.1260	(P-9153/91; A-2530)
2030.830	(P-9153/91; A-2530)	n	2030.1265	(P-9083/91; A-2457)
2030.840	(P-9153/91; A-2530)	n	2030.1270	(P-9153/91; A-2530)
2030.850	(P-9083/91; A-2457)	n	2030.1310	(P-9153/91; A-2530)
2030.910	(P-9153/91; A-2530)	n	2030.1310	(P-9083/91; A-2457)
2030.910	(P-9083/91; A-2457)	n	2030.1320	(P-9153/91; A-2530)
2030.920	(P-9153/91; A-2530)	n	2030.1320	(P-9083/91; A-2457)
2030.930	(P-9153/91; A-2530)	n	2030.1330	(P-9153/91; A-2530)
2030.940	(P-9153/91; A-2530)	n	2030.1340	(P-9153/91; A-2530)
2030.950	(P-9153/91; A-2530)	n	2030.1350	(P-9153/91; A-2530)
2030.960	(P-9153/91; A-2530)	n	2031.10	(P-9149/91; A-2455)
2030.970	(P-9153/91; A-2530)	n	2032.10	(P-9218/91; A-2533)
2030.980	(P-9153/91; A-2530)	n	2032.15	(P-9218/91; A-2533)
2030.1010	(P-9153/91; A-2530)	n	2032.20	(P-9218/91; A-2533)
2030.1010	(P-9083/91; A-2457)	n	2032.25	(P-9218/91; A-2533)
2030.1020	(P-9153/91; A-2530)	n	2032.30	(P-9218/91; A-2533)
2030.1020	(P-9083/91; A-2457)	n	2032.35	(P-9218/91; A-2533)
2030.1030	(P-9153/91; A-2530)	n	2032.40	(P-9218/91; A-2533)
2030.1030	(P-9083/91; A-2457)	n	2032.45	(P-9218/91; A-2533)
2030.1040	(P-9153/91; A-2530)	n	2032.50	(P-9218/91; A-2533)
2030.1040	(P-9083/91; A-2457)	n	2032.55	(P-9218/91; A-2533)
2030.1050	(P-9153/91; A-2530)	n	2032.60	(P-9218/91; A-2533)
2030.1060	(P-9083/91; A-2457)	n	2056.1	(P-4567)
2030.1070	(P-9153/91; A-2530)	n	2056.5	(P-4567)
2030.1080	(P-9083/91; A-2457)	n	2056.15	(P-4567)
2030.1090	(P-9153/91; A-2530)	n	2056.20	(P-4567)
2030.1110	(P-9083/91; A-2457)	n	2056.25	(P-4567)
2030.1110	(P-9153/91; A-2530)	n	2056.50	(P-4567)
2030.1120	(P-9083/91; A-2457)	n	2056.55	(P-4567)
2030.1120	(P-9153/91; A-2530)	n	2056.60	(P-4567)
2030.1130	(P-9083/91; A-2457)	n	2056.61	(P-4567)
2030.1130	(P-9153/91; A-2530)	n	2056.65	(P-4567)
2030.1140	(P-9083/91; A-2457)	n	2056.70	(P-4567)
2030.1140	(P-9153/91; A-2530)	n	2056.75	(P-4567)
2030.1150	(P-9083/91; A-2457)	n	2056.210	(P-4567)
2030.1160	(P-9153/91; A-2530)	n	2056.215	(P-4567)
2030.1205	(P-9083/91; A-2457)	n	2056.301	(P-4567)
2030.1210	(P-9153/91; A-2530)	n	2056.301	(P-4567)
2030.1210	(P-9083/91; A-2457)	n	2056.303	(P-4567)
2030.1215	(P-9153/91; A-2530)	n	2056.303	(P-4567)
2030.1220	(P-9083/91; A-2457)	n	2056.305	(P-4567)
2030.1220	(P-9153/91; A-2530)	n	2056.310	(P-4567)

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2056.315	am	(P-4567)	303.290	am	(P-327; A-8368)
2056.320	am	(P-4567)	303.385	n	(P-327; A-8368)
2056.325	am	(P-4567)	304.51	n	(P-334; RC-10499)
2056.330	am	(P-4567)	310.100	am	(P-342; A-8382)
2056.405	am	(P-4567)			(E-711)
2056.410	am	(P-4567)	310.110	am	(P-12051/91; A-3450)
2056.415	am	(P-4567)	310.130	am	(P-12051/91; A-3450)
2056.420	am	(P-4567)	310.230	am	(P-342; A-8382)
2056.500	am	(P-4567)	310.280	am	(P-12051/91; A-3450)
2056.505	am	(P-4567)	310.290	am	(P-12051/91; A-3450)
2056.510	r	(P-4567)			(E-68239)
2056.525	am	(P-4567)	310.490	am	(P-342; A-8382)
2056.600	am	(P-4567)			(E-711)
2056.601	n	(P-4567)	310. Ap.A	am	(P-342; A-8382)
2056.603	n	(P-4567)			(PP-5068; RC-6899)
2056.605	am	(P-4567)	.Th.A	am	(PP-7056)
2056.607	n	(P-4567)	.Th.B	am	(P-342; A-8382)
2056.610	am	(P-4567)	.Th.C	am	(P-342; A-8382)
2056.615	r	(P-4567)	.Th.D	am	(P-342; A-8382)
2056.620	n	(P-4567)	.Th.E	am	(P-342; A-8382)
2056.625	n	(P-4567)	.Th.F	am	(P-342; A-8382)
2056.630	n	(P-4567)	.Th.G	am	(P-342; A-8382)
2056.635	n	(P-4567)	.Th.H	am	(P-342; A-8382)
2056.640	n	(P-4567)	.Th.I	am	(P-342; A-8382)
2056.645	n	(P-4567)	.Th.J	am	(P-342; A-8382)
2056.650	n	(P-4567)	.Th.K	am	(P-342; A-8382)
2056.655	n	(P-4567)	.Th.O	am	(P-342; A-8382)
2056.660	n	(P-4567)	.Th.P	am	(P-342; A-8382)
2056.705	am	(P-4567)	.Th.Q	am	(P-342; A-8382)
2090.20	am	(P-5104)	.Th.R	am	(P-342; A-8382)
2090.40	am	(P-5104)	.Th.S	am	(P-342; A-8382)
2090.70	am	(P-5104)	.Th.T	am	(PP-5068; RC-6899)
2090.100	am	(P-5104)	.Th.V	am	(PP-5068; RC-6899)
2510.50	am	(P-17444/91; A-8980)	.Th.W	am	(P-342; A-8382)
2510.60	am	(P-17444/91; A-8980)	.Th.X	am	(P-342; A-8382)
2510.70	am	(P-17444/91; A-8980)	.Th.Y	am	(P-342; A-8382)
2510.80	am	(P-17444/91; A-8980)	.Th.Z	am	(P-342; A-8382)
.Ap.B	am	(P-17444/91; A-8980)	310. Ap.B	am	(P-12051/91; A-3450)
.Ap.C	am	(P-17444/91; A-8980)	1120.80	n	(P-5554) (E-6052; RC-8253)
			1540.80	am	(P-7325)
			1540.90	am	(P-7325)
			1540.100	am	(P-7325)
			1540.130	am	(P-7325)
			2650.10	am	(P-3235)
			2650.25	am	(P-3235)
			2800.410	am	(P-7079)
			2800.650	n	(P-15199/91; A-4831)

TITLE 80

150.410	am	(P-4360)	303.290	am	(P-327; A-8368)
150.420	am	(P-4360)	303.385	n	(P-327; A-8368)
150.430	am	(P-4360)	304.51	n	(P-334; RC-10499)
302.80	am	(P-336; A-8375)	310.100	am	(P-342; A-8382)
302.822	am	(P-8675)			(E-711)
303.102	am	(P-327; A-8368)	310.110	am	(P-12051/91; A-3450)
303.115	n	(P-327; A-8368)	310.130	am	(P-12051/91; A-3450)
303.125	am	(P-327; A-8368)	310.230	am	(P-342; A-8382)
303.175	n	(P-327; A-8368)	310.280	am	(P-12051/91; A-3450)
			310.290	am	(P-12051/91; A-3450)

TITLE 83

TITLE 83					
110.10	r	(P-18018/91; A-7654)	760.20	am	(P-14340/91; A-6177)
110.30	r	(P-18018/91; A-7654)			(P-16535/91; A-6177)
200.715	n	(P-1936; W-7737)			(P-7572)
275.20	am	(P-8269)	770.10	n	(P-3242)
280.100	am	(P-9801/91; A-11023)	770.20	n	(P-3242)
305.20	am	(P-16538/91; A-6180)	770.30	n	(P-3242)
410.360	r	(P-11899/91; A-2544)	785.1	n	(P-17427/91; A-11009)
440.200	am	(P-6533)	785.5	n	(P-17427/91; A-11009)
445.40	am	(P-11025/91; A-2535)	785.10	n	(P-17427/91; A-11009)
445.50	am	(P-11025/91; A-2535)	785.15	n	(P-17427/91; A-11009)
445.70	am	(P-11025/91; A-2535)	785.20	n	(P-17427/91; A-11009)
500.335	r	(P-11905/91; A-2550)	785.25	n	(P-17427/91; A-11009)
535.100	am	(P-6538)	785.30	n	(P-17427/91; A-11009)
745.10	am	(P-10513)	785.35	n	(P-17427/91; A-11009)
745.15	am	(P-10513)	785.40	n	(P-17427/91; A-11009)
745.20	am	(P-10513)	785.45	n	(P-17427/91; A-11009)
745.30	am	(P-10513)	785.50	n	(P-17427/91; A-11009)
745.110	am	(P-10513)	785.55	n	(P-17427/91; A-11009)
745.200	am	(P-10513)	785.60	n	(P-17427/91; A-11009)
745.210	am	(P-10513)	785.65	n	(P-17427/91; A-11009)
TITLE 86					
745.220	am	(P-10513)	100.3700	am	(P-7306; C-10084)
745.221	am	(P-10513)	100.9920	n	(P-7306; C-10084)
745.225	am	(P-10513)	110.190	n	(P-14196/91; A-2624)
745.300	am	(P-10513)	130.310	am	(P-15013/91; A-1642)
745.Ex.B	am	(P-10513)	180.101	am	(P-15948/91; A-4859)
757.10	n	(P-6542)	180.130	am	(P-15948/91; A-4859)
757.15	n	(P-6542)	180.140	am	(P-15948/91; A-4859)
757.100	n	(P-6542)	180.145	am	(P-15948/91; A-4859)
757.105	n	(P-6542)	190.101	am	(P-15948/91; A-4859)
757.110	n	(P-6542)	190.110	am	(P-15958/91; A-4867)
757.115	n	(P-6542)	190.120	am	(P-15958/91; A-4867)
757.120	n	(P-6542)	190.170	am	(P-15958/91; A-4867)
757.125	n	(P-6542)	190.175	am	(P-15958/91; A-4867)
757.130	n	(P-6542)	295.101	n	(P-18506/91; A-7691)
757.200	n	(P-6542)	295.105	n	(P-18506/91; A-7691)
757.205	n	(P-6542)	295.110	n	(P-18506/91; A-7691)
757.210	n	(P-6542)	295.115	n	(P-18506/91; A-7691)
757.215	n	(P-6542)	295.120	n	(P-18506/91; A-7691)
757.220	n	(P-6542)	430.110	am	(P-6762)
757.225	n	(P-6542)	430.125	n	(P-6762)
757.230	n	(P-6542)	430.160	am	(P-6762)
757.235	n	(P-6542)	435.120	am	(P-6777)
757.240	n	(P-6542)	435.140	am	(P-6777)
757.245	n	(P-6542)	435.160	am	(P-6777)
757.300	n	(P-6542)	460.101	am	(P-15417/91; A-4876)
757.Ex.A	n	(P-6542)	460.110	am	(P-15417/91; A-4876)
757.Ex.B	n	(P-6542)	480.101	am	(P-15422/91; A-3578)
757.Ex.C	n	(P-6542)	490.10	r	(P-16913/91; A-5988)
757.Ex.D	n	(P-6542)	490.20	r	(P-16913/91; A-5988)
757.Ex.E	n	(P-6542)			

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490.30	r	(P-16913/91; A-5988)	104.209	n	(P-4741)
490.40	r	(P-16913/91; A-5988)	104.210	am	(P-2752) (P-4741)
490.50	r	(P-16913/91; A-5988)	104.211	am	(P-4741)
490.60	r	(P-16913/91; A-5988)	104.221	am	(P-4741)
490.70	r	(P-16913/91; A-5988)	104.230	am	(P-4741)
490.80	r	(P-16913/91; A-5988)	104.235	am	(P-7793)
490.90	r	(P-16913/91; A-5988)	104.244	am	(P-4741)
490.100	r	(P-16913/91; A-5988)	104.246	am	(P-4741)
490.110	r	(P-16913/91; A-5988)	104.248	n	(P-7793)
490.120	r	(P-16913/91; A-5988)	104.272	am	(P-2752)
490.130	r	(P-16913/91; A-5988)	104.273	am	(P-2752)
490.140	r	(P-16913/91; A-5988)	104.274	am	(P-2752)
490.150	r	(P-16913/91; A-5988)	104.295	am	(P-7793)
490.160	r	(P-16913/91; A-5988)	110.30	am	(P-3405; W-5082)
490.170	r	(P-16913/91; A-5988)	112.70	am	(P-4704)
490.180	r	(P-16913/91; A-5988)	112.71	am	(P-3335)
490.190	r	(P-16913/91; A-5988)	112.72	am	(P-3335)
490.200	r	(P-16913/91; A-5988)	112.74	am	(P-3335)
510.101	am	(P-16932/91; A-5990)	112.79	am	(P-3335)
510.110	am	(P-16932/91; A-5990)	112.82	am	(P-3335)
510.115	r	(P-16932/91; A-5990)	112.88	am	(P-18062/91; A-9972)
510.120	am	(P-16932/91; A-5990)	112.115	am	(P-18062/91; A-9972)
510.131	am	(P-16932/91; A-5990)	112.300	am	(P-14994/91; A-3468)
510.145	am	(P-16932/91; A-5990)	113.40	am	(P-14994/91; A-3468)
510.160	am	(P-16932/91; A-5990)	113.50	am	(P-18073/91; A-9986)
3000.100	am	(P-3802)	113.130	am	(P-14994/91; A-3468)
3000.200	am	(P-3802)	113.253	am	(P-14994/91; A-3468)
3000.210	am	(P-3802)	113.260	am	(P-14994/91; A-3468)
3000.220	am	(P-3802)	113.302	r	(P-14994/91; A-3468)
3000.230	am	(P-3802)	113.400	n	(P-14994/91; A-3468)
3000.245	am	(P-3802)	113.405	n	(P-14994/91; A-3468)
3000.270	am	(P-3802)	113.410	n	(P-14994/91; A-3468)
3000.420	am	(P-3802)	113.415	n	(P-14994/91; A-3468)
3000.425	am	(P-3802)	113.420	n	(P-14994/91; A-3468)
3000.610	am	(P-3802)	113.425	n	(P-14994/91; A-3468)
3000.620	am	(P-3802)	113.430	n	(P-14994/91; A-3468)
3000.625	am	(P-3802)	113.435	n	(P-14994/91; A-3468)
3000.645	am	(P-3802)	113.440	#	(P-14994/91; A-3468)
3000.910	am	(P-3802)	113.440	am	(P-14994/91; A-3468)
3000.1010	am	(P-3802)	113.445	n	(P-14994/91; A-3468)
3000.1070	am	(P-3802)	114.1	am	(P-15008/91; A-3512)
			114.2	n	(P-15008/91; A-3512)
			114.60	am	(P-15008/91; A-3512)
			114.61	am	(P-15008/91; A-3512)
			114.62	am	(P-15008/91; A-3512)
			114.63	am	(P-15008/91; A-3512)
			114.64	am	(P-15008/91; A-3512)
			114.70	am	(P-15008/91; A-3512)
			114.80	am	(P-15008/91; A-3512)
			114.120	am	(P-15008/91; A-3512)

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104.10	am	(P-7793)
104.70	am	(P-7793)
104.102	am	(P-7793)
104.202	am	(P-4741)
104.204	am	(P-4741)
104.206	am	(P-2752)
104.208	am	(P-2752)

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114.121	am	(P-15008/91; A-3512)	120.290	r	(P-12137/91; A-139)
114.122	r	(P-15008/91; A-3512)	120.295	r	(P-12137/91; A-139)
114.123	r	(P-15008/91; A-3512)	120.319	am	(P-12137/91; A-139)
114.124	am	(P-15008/91; A-3512)	120.320	am	(P-12137/91; A-139)
114.128	am	(P-4216) (E-4540)	120.321	am	(P-12137/91; A-139)
114.135	am	(P-4216) (E-4540)	120.322	am	(P-12137/91; A-139)
114.400	am	(P-15008/91; A-3512)	120.323	am	(P-12137/91; A-139)
114.420	am	(P-15008/91; A-3512)	120.384	am	(P-7761)
115.10	am	(P-17897/91; A-10291)	121.25	am	(P-8898)
115.30	am	(P-17897/91; A-10291)	121.34	am	(P-8039)
115.34	am	(P-17897/91; A-10291)	121.58	am	(P-2420; A-10011)
115.40	am	(P-17897/91; A-10291)	121.63	am	(E-757) (P-6708)
116.500	am	(P-16623/91; A-5350)	121.72	am	(P-18086; A-10011)
116.520	am	(P-16623/91; A-5350)	121.73	am	(P-2420; A-10011)
117.10	am	(P-8938)	121.91	am	(P-14186/91; A-10011)
120.50	r	(P-12137/91; A-139)	121.94	am	(P-14999/91; A-10011)
120.80	am	(P-16856/91; A-10034)	130.200	am	(P-6931)
120.200	n	(P-12137/91; A-139)	140.2	am	(P-17171/91; A-174)
120.208	r	(P-12137/91; A-139)		am	(P-6936)
120.210	r	(P-12137/91; A-139)	140.5	am	(P-17171/91; A-174)
120.211	r	(P-12137/91; A-139)	140.11	am	(P-6949/91; A-3552)
120.212	r	(P-12137/91; A-139)	140.13	am	(P-4708)
120.215	r	(P-12137/91; A-139)	140.14	am	(P-4708)
120.216	r	(P-12137/91; A-139)	140.15	am	(P-7775)
120.217	r	(P-12137/91; A-139)	140.16	am	(P-4708) (P-8047)
120.218	r	(P-12137/91; A-139)	140.17	am	(P-8047)
120.224	r	(P-12137/91; A-139)	140.19	am	(P-4708)
120.225	r	(P-12137/91; A-139)	140.27	am	(P-65; A-10050) (E-300)
120.230	r	(P-12137/91; A-139)	140.31	n	(P-4708)
120.235	r	(P-12137/91; A-139)	140.32	n	(P-4708)
120.236	r	(P-12137/91; A-139)	140.33	n	(P-4708)
120.240	r	(P-12137/91; A-139)	140.94	n	(P-15933/91; A-6408)
120.245	r	(P-12137/91; A-139)	140.95	n	(P-15933/91; A-6408)
120.250	r	(P-12137/91; A-139)	140.420	am	(P-10145)
120.255	r	(P-12137/91; A-139)	140.421	am	(P-7576) (P-10145)
120.260	r	(P-12137/91; A-139)	140.413	am	(P-6719)
120.261	r	(P-12137/91; A-139)	140.440	am	(P-12171/91; A-4006)
120.262	r	(P-12137/91; A-139)	140.441	am	(P-12171/91; A-4006)
120.270	r	(P-12137/91; A-139)	140.442	am	(P-12171/91; A-4006)
120.271	r	(P-12137/91; A-139)	140.449	am	(P-12171/91; A-4006)
120.272	r	(P-12137/91; A-139)	140.469	am	(P-13685/91; A-3552)
120.273	r	(P-12137/91; A-139)	140.512	am	(P-13274/91; A-6849)
120.275	r	(P-12137/91; A-139)	140.513	r	(P-13274/91; A-6849)
120.276	r	(P-12137/91; A-139)	140.514	am	(P-11555/91; A-4006)
120.280	r	(P-12137/91; A-139)	140.526	r	(P-472) (P-9393)
120.281	r	(P-12137/91; A-139)	140.527	r	(P-472) (P-9393)
120.282	r	(P-12137/91; A-139)	140.528	r	(P-472) (P-9393)
120.283	r	(P-12137/91; A-139)	140.529	r	(P-472) (P-9393)
120.284	r	(P-12137/91; A-139)	140.530	am	(P-15933/91; A-6408)
120.285	r	(P-12137/91; A-139)			

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140.538	am	(P-15933/91; A-6408)	141.1125	r	(P-12132/91; A-7922)
140.539	am	(P-472; A-11174)	141.1200	r	(P-12132/91; A-7922)
140.543	am	(P-3045)	141.1240	r	(P-12132/91; A-7922)
140.552	am	(P-15933/91; A-6408)	141.1280	r	(P-12132/91; A-7922)
140.560	am	(P-5585/91; A-7017)	141.1320	r	(P-12132/91; A-7922)
140.561	am	(P-7482/91; A-3552)	141.1360	r	(P-12132/91; A-7922)
140.562	am	(P-15933/91; A-6408)	141.1400	r	(P-12132/91; A-7922)
140.565	n	(P-1492)	141.1480	r	(P-12132/91; A-7922)
140.566	am	(P-478)	141.1500	r	(P-12132/91; A-7922)
140.569	am	(P-15933/91; A-6408;	141.1520	r	(P-12132/91; A-7922)
		RQ-9138; EC-11348)	141.1560	r	(P-12132/91; A-7922)
140.579	am	(P-3408)	141.1600	r	(P-12132/91; A-7922)
140.583	am	(P-15933/91; A-6408)	141.1640	r	(P-12132/91; A-7922)
140.600	n	(P-472)	141.1680	r	(P-12132/91; A-7922)
140.602	n	(P-472)	141.1720	r	(P-12132/91; A-7922)
140.604	n	(P-472)	141.1760	r	(P-12132/91; A-7922)
140.606	n	(P-472)	141.1800	r	(P-12132/91; A-7922)
140.608	n	(P-472)	141.1840	r	(P-12132/91; A-7922)
140.610	n	(P-472)	141.1880	r	(P-12132/91; A-7922)
140.612	n	(P-472)	141.1920	r	(P-12132/91; A-7922)
140.614	n	(P-472)	141.1960	r	(P-12132/91; A-7922)
140.646	am	(P-6949/91; A-1877)	141.2000	r	(P-12132/91; A-7922)
140.700	am	(P-7576)	141.2040	r	(P-12132/91; A-7922)
140.835	r	(P-15933/91; A-6408)	141.2080	r	(P-12132/91; A-7922)
141.10	r	(P-12132/91; A-7922)	141.2120	r	(P-12132/91; A-7922)
141.100	r	(P-12132/91; A-7922)	141.2160	r	(P-12132/91; A-7922)
141.200	r	(P-12132/91; A-7922)	141.2200	r	(P-12132/91; A-7922)
141.240	r	(P-12132/91; A-7922)	141.2240	r	(P-12132/91; A-7922)
141.280	r	(P-12132/91; A-7922)	141.2280	r	(P-12132/91; A-7922)
141.320	r	(P-12132/91; A-7922)	141.2320	r	(P-12132/91; A-7922)
141.360	r	(P-12132/91; A-7922)	141.2360	r	(P-12132/91; A-7922)
141.400	r	(P-12132/91; A-7922)	141.2400	r	(P-12132/91; A-7922)
141.440	r	(P-12132/91; A-7922)	141.2440	r	(P-12132/91; A-7922)
141.480	r	(P-12132/91; A-7922)	141.2480	r	(P-12132/91; A-7922)
141.520	r	(P-12132/91; A-7922)	141.2520	r	(P-12132/91; A-7922)
141.560	r	(P-12132/91; A-7922)	141.2560	r	(P-12132/91; A-7922)
141.600	r	(P-12132/91; A-7922)	141.2600	r	(P-12132/91; A-7922)
141.640	r	(P-12132/91; A-7922)	141.2640	r	(P-12132/91; A-7922)
141.680	r	(P-12132/91; A-7922)	141.2680	r	(P-12132/91; A-7922)
141.720	r	(P-12132/91; A-7922)	141.2720	r	(P-12132/91; A-7922)
141.760	r	(P-12132/91; A-7922)	141.2760	r	(P-12132/91; A-7922)
141.800	r	(P-12132/91; A-7922)	141.2800	r	(P-12132/91; A-7922)
141.840	r	(P-12132/91; A-7922)	141.2840	r	(P-12132/91; A-7922)
141.880	r	(P-12132/91; A-7922)	141.2880	r	(P-12132/91; A-7922)
141.920	r	(P-12132/91; A-7922)	141.2920	r	(P-12132/91; A-7922)
141.960	r	(P-12132/91; A-7922)	141.2960	r	(P-12132/91; A-7922)
141.1000	r	(P-12132/91; A-7922)	141.3000	r	(P-12132/91; A-7922)
141.1040	r	(P-12132/91; A-7922)	141.3040	r	(P-12132/91; A-7922)
141.1080	r	(P-12132/91; A-7922)	141.3080	r	(P-12132/91; A-7922)
141.1120	r	(P-12132/91; A-7922)	141.3120	r	(P-12132/91; A-7922)

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141.3160	r	(P-12132/91; A-7922)	144.450	n	(P-5806)
141.3200	r	(P-12132/91; A-7922)	147.25	am	(P-4218; RC-10500)
141.3240	r	(P-12132/91; A-7922)	147.50	am	(P-4218; RC-10500)
141.3280	r	(P-12132/91; A-7922)	147.75	am	(P-4218; RC-10500)
141.3320	r	(P-12132/91; A-7922)	147.100	am	(P-8906)
141.3360	r	(P-12132/91; A-7922)	147.150	am	(P-15940/91; A-6479)
141.3400	r	(P-12132/91; A-7922)	147.300	am	(P-8906)
141.3440	r	(P-12132/91; A-7922)	147.305	am	(P-8906)
141.3480	r	(P-12132/91; A-7922)	147.310	am	(P-8906)
141.3520	r	(P-12132/91; A-7922)	147.315	am	(P-8906)
141.3560	r	(P-12132/91; A-7922)	147.320	am	(P-8906)
141.3600	r	(P-12132/91; A-7922)	147.325	am	(P-8906)
141.3640	r	(P-12132/91; A-7922)	147.345	am	(P-8906)
141.3680	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3720	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3760	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3800	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3840	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3880	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3920	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.3960	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4000	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4040	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4080	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4120	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4160	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4200	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4240	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4280	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4320	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4360	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4400	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4440	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4480	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4520	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4560	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4600	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4640	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4680	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4720	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4760	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4800	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4840	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4880	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4920	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.4960	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.5000	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.5040	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.5080	r	(P-12132/91; A-7922)	147.350	am	(P-8906)
141.5120	r	(P-12132/91; A-7922)	147.350	am	(P-8906)

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309.14	r	(P-7982)	337.20	n	(P-7999)
309.15	r	(P-7982)	337.30	n	(P-7999)
309.16	r	(P-7982)	337.40	n	(P-7999)
309.17	r	(P-7982)	337.50	n	(P-7999)
309.18	r	(P-7982)	337.60	n	(P-7999)
309.19	r	(P-7982)	337.70	n	(P-7999)
309.20	r	(P-7982)	337.80	n	(P-7999)
309.21	r	(P-7982)	337.90	n	(P-7999)
309.22	r	(P-7982)	337.100	n	(P-7999)
309.23	r	(P-7982)	337.110	n	(P-7999)
335.100	am	(P-8415/91; A-7633)	337.120	n	(P-7999)
335.102	am	(P-8415/91; A-7633)	337.130	n	(P-7999)
335.200	am	(P-8415/91; A-7633)	337.140	n	(P-7999)
335.202	am	(P-8415/91; A-7633)	337.150	n	(P-7999)
335.300	am	(P-8415/91; A-7633)	337.160	n	(P-7999)
335.302	am	(P-8415/91; A-7633)	337.170	n	(P-7999)
335.304	am	(P-8415/91; A-7633)	337.180	n	(P-7999)
335.306	am	(P-8415/91; A-7633)	337.190	n	(P-7999)
335.308	r	(P-8415/91; A-7633)	337.200	n	(P-7999)
335.310	am	(P-8415/91; A-7633)	337.210	n	(P-7999)
335.312	am	(P-8415/91; A-7633)	337.220	n	(P-7999)
335.314	am	(P-8415/91; A-7633)	337.230	n	(P-7999)
335.316	am	(P-8415/91; A-7633)	337.240	n	(P-7999)
335.318	am	(P-8415/91; A-7633)	337.250	n	(P-7999)
335.320	am	(P-8415/91; A-7633)	352.Ap.A	am	(P-13229/91; A-3924)
335.326	am	(P-8415/91; A-7633)	377.2	am	(P-7553)
335.328	am	(P-8415/91; A-7633)	377.4	am	(P-7553)
335.330	am	(P-8415/91; A-7633)	378.1	r	(P-7561)
335.332	am	(P-8415/91; A-7633)	378.2	r	(P-7561)
335.334	am	(P-8415/91; A-7633)	378.3	r	(P-7561)
335.336	am	(P-8415/91; A-7633)	378.4	r	(P-7561)
335.338	am	(P-8415/91; A-7633)	406.2	am	(E-15088/91; M-2269)
336.10	n	(P-7963) (P-7963)	406.4	am	(P-14734/91; A-7602)
336.20	n	(P-7963)	406.5	am	(P-14734/91; A-7602)
336.30	n	(P-7963)	406.6	am	(P-14734/91; A-7602)
336.40	n	(P-7963)	406.7	am	(P-14734/91; A-7602)
336.50	n	(P-7963)	406.8	am	(P-14734/91; A-7602)
336.60	n	(P-7963)	406.9	am	(P-14734/91; A-7602)
336.70	n	(P-7963)	406.10	am	(P-14734/91; A-7602)
336.80	n	(P-7963)	406.11	am	(P-14734/91; A-7602)
336.90	n	(P-7963)	406.12	am	(P-14734/91; A-7602)
336.100	n	(P-7963)	406.13	am	(P-14734/91; A-7602)
336.110	n	(P-7963)	406.14	am	(P-14734/91; A-7602)
336.120	n	(P-7963)	406.22	am	(P-14734/91; A-7602)
336.130	n	(P-7963)	406.24	am	(P-14734/91; A-7602)
336.140	n	(P-7963)	407.29	am	(P-14729/91; A-7597)
336.150	n	(P-7963)	408.5	am	(P-14764/91; A-8950)
336.160	n	(P-7963)	408.7	n	(P-14764/91; A-8950)
336.170	n	(P-7963)	408.20	am	(P-14764/91; A-8950)
337.10	n	(P-7999)	408.30	am	(P-14764/91; A-8950)

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50.40	n	(P-6153)		(P-15990/91; W-2695)
50.50	r	(P-6139)		(P-3847)
50.50	n	(P-6153)	178.336.1.1	(P-16015/91; W-2699)
50.60	r	(P-6139)		(P-3876)
50.60	n	(P-6153)	178.336.1.5	(P-16015/91; W-2699)
50.70	r	(P-6139)		(P-3876)
50.70	n	(P-6153)	178.2000	(P-16015/91; W-2699)
50.80	r	(P-6139)		(P-3876)
50.80	n	(P-6153)	179.2000	(P-16027/91; W-2700)
50.90	r	(P-6139)		(P-3888)
50.90	n	(P-6153)	180.2000	(P-3851)
50.100	r	(P-6139)	390.1010	(P-7815)
50.100	n	(P-6153)	390.1020	(P-7815)
50.110	r	(P-6139)	390.2000	(P-7815)
50.110	n	(P-6153)	391.1000	(P-7832)
50.120	r	(P-6139)	391.2000	(P-16653/91; A-5362)
50.120	n	(P-6153)		(P-7832)
50.130	r	(P-6139)	395.2000	(P-7805)
50.130	n	(P-6153)	396.2010	(P-7811)
50.140	r	(P-6139)	440.420	(P-13041/91; A-1655)
50.140	n	(P-6153)	440.II.A	(P-13041/91; A-1655)
50.150	r	(P-6139)	440.II.B	(P-13041/91; A-1655)
50.160	r	(P-6139)	442.285	(P-13072/91; A-1685)
50.160	n	(P-6153)	442.II. A	(P-13072/91; A-1685)
50.Ex.A	am	(P-4813)	456.50	(P-9453)
62.30	am	(P-17709/91; P-10475)	456.60	(P-9453)
97.10	n	(P-17709/91; P-10475)	456.70	(P-9453)
97.20	n	(P-17709/91; P-10475)	456.80	(P-9453)
97.30	n	(P-17709/91; P-10475)	456.90	(P-9453)
97.40	n	(P-17709/91; P-10475)	530.10	(P-2940/91; A-2193)
97.50	n	(P-17709/91; P-10475)	530.20	(P-3003/91; A-2256)
97.60	n	(P-17709/91; P-10475)	530.30	(P-2940/91; A-2193)
97.70	n	(P-17709/91; P-10475)	530.40	(P-2940/91; A-2193)
97.80	n	(P-17709/91; P-10475)	530.50	(P-2940/91; A-2193)
97.90	n	(P-17709/91; P-10475)	530.60	(P-2940/91; A-2193)
97.100	n	(P-17709/91; P-10475)	530.70	(P-2940/91; A-2193)
97.110	n	(P-17709/91; P-10475)	530.80	(P-2940/91; A-2193)
97.120	n	(P-17709/91; P-10475)	530.90	(P-2940/91; A-2193)
97.130	n	(P-17709/91; P-10475)	530.101	(P-3003/91; A-2256)
97.140	n	(P-17709/91; P-10475)	530.102	(P-3003/91; A-2256)
171.6	am	(P-15995/91; W-2696)	530.103	(P-3003/91; A-2256)
171.6	#	(P-3856)	530.104	(P-3003/91; A-2256)
171.1000	am	(P-15995/91; W-2696)	530.105	(P-3003/91; A-2256)
172.2000	am	(P-3856)	530.106	(P-3003/91; A-2256)
172.2215	am	(P-16003/91; W-2697)	530.107	(P-3003/91; A-2256)
173.3000	am	(P-3864)	530.108	(P-3003/91; A-2256)
		(P-16003/91; W-2697)	530.109	(P-3003/91; A-2256)
		(P-16008/91; W-2698)	530.110	(P-2940/91; A-2193)
		(P-3869)	530.110	(P-3003/91; A-2256)

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408.40	am	(P-14764/91; A-8950)	840.80	am	(P-15390/91; A-10301)
408.50	am	(P-14764/91; A-8950)	840.90	am	(P-15390/91; A-10301)
408.60	am	(P-14764/91; A-8950)	840.95	n	(P-15390/91; A-10301)
408.65	am	(P-14764/91; A-8950)	840.100	n	(P-15390/91; A-10301)
408.70	am	(P-14764/91; A-8950)	840.105	n	(P-15390/91; A-10301)
408.105	am	(P-14764/91; A-8950)	840.110	n	(P-15390/91; A-10301)
408.105	am	(P-14764/91; A-8950)	840.115	n	(P-15390/91; A-10301)
510.10	am	(P-69; A-8537)	843.10	am	(P-15405/91; A-10316)
510.20	am	(P-69; A-8537)	843.20	am	(P-15405/91; A-10316)
510.30	am	(P-69; A-8537)	843.30	am	(P-15405/91; A-10316)
510.40	am	(P-69; A-8537)	843.50	am	(P-15405/91; A-10316)
510.70	am	(P-69; A-8537)	843.60	am	(P-15405/91; A-10316)
510.80	am	(P-69; A-8537)	843.61	am	(P-15405/91; A-10316)
510.90	am	(P-69; A-8537)	843.70	am	(P-15405/91; A-10316)
510.100	am	(P-69; A-8537)	843.80	am	(P-15405/91; A-10316)
510.110	am	(P-69; A-8537)	843.120	am	(P-15405/91; A-10316)
567.20	am	(P-10403)	843.121	am	(P-15405/91; A-10316)
567.30	am	(P-10403)	843.130	am	(P-15405/91; A-10316)
567.100	am	(P-10403)	843.150	am	(P-15405/91; A-10316)
587.70	am	(P-18110/91; A-8235)	843.160	am	(P-15405/91; A-10316)
597.20	am	(P-3440)	843.180	am	(P-15405/91; A-10316)
674.10	n	(E-2690)	845.10	am	(P-11572/91; A-2615)
674.20	n	(E-2690)	845.20	am	(P-11572/91; A-2615)
674.30	n	(E-2690)	845.30	am	(P-11572/91; A-2615)
674.40	n	(E-2690)	845.40	am	(P-11572/91; A-2615)
674.50	n	(E-2690)	900.310	am	(P-12989/91; A-5311)
683.100	r	(E-2688)	900.321	am	(P-12989/91; A-5311)
685.500	am	(P-14392/91; A-4529)	900.322	am	(P-12989/91; A-5311)
685.550	n	(P-14392/91; A-4529)	900.330	am	(P-12989/91; A-5311)
685.600	am	(P-16876/91; A-6868)	900.331	am	(P-12989/91; A-5311)
714.30	am	(P-3067)	900.342	am	(P-12989/91; A-5311)
714.100	am	(P-3067)	900.343	am	(P-12989/91; A-5311)
714.110	am	(P-3067)	900.345	am	(P-12989/91; A-5311)
714.120	am	(P-3067)	900.348	am	(P-12989/91; A-5311)
714.130	am	(P-3067)	1300.110	am	(P-5141/91; A-4819)
714.300	n	(P-3067)	1300.120	am	(P-5141/91; A-4819)
714.310	am	(P-3067)	1300.130	am	(P-5141/91; A-4819)
730.700	r	(P-10397)	1300.200	am	(P-5141/91; A-4819)
787.10	n	(P-13027/91; A-2882)	1300.205	n	(P-5141/91; A-4819)
787.20	n	(P-13027/91; A-2882)	1300.210	am	(P-5141/91; A-4819)
787.30	n	(P-13027/91; A-2882)			
787.40	n	(P-13027/91; A-2882)			
787.50	n	(P-13027/91; A-2882)			
840.10	am	(P-15390/91; A-10301)	44.30	am	(P-4807)
840.20	am	(P-15390/91; A-10301)	50.5	r	(P-6139)
840.30	am	(P-15390/91; A-10301)	50.10	r	(P-6139)
840.40	am	(P-15390/91; A-10301)	50.10	n	(P-6153)
840.50	am	(P-15390/91; A-10301)	50.20	r	(P-6139)
840.60	am	(P-15390/91; A-10301)	50.20	n	(P-6153)
840.70	n	(P-15390/91; A-10301)	50.30	r	(P-6139)
840.75	am	(P-15390/91; A-10301)	50.30	n	(P-6153)
			50.40	r	(P-6139)
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530.111	r (P-3003/91; A-2256)
530.112	r (P-3003/91; A-2256)
530.113	r (P-3003/91; A-2256)
530.114	r (P-3003/91; A-2256)
530.115	r (P-3003/91; A-2256)
530.116	r (P-3003/91; A-2256)
530.117	r (P-3003/91; A-2256)
530.118	r (P-3003/91; A-2256)
530.119	r (P-3003/91; A-2256)
530.120	n (P-2940/91; A-2193)
530.121	r (P-3003/91; A-2256)
530.122	r (P-3003/91; A-2256)
530.123	r (P-3003/91; A-2256)
530.130	n (P-2940/91; A-2193)
530.140	n (P-2940/91; A-2193)
530.150	n (P-2940/91; A-2193)
530.200	n (P-2940/91; A-2193)
530.201	r (P-3003/91; A-2256)
530.202	r (P-3003/91; A-2256)
530.203	r (P-3003/91; A-2256)
530.210	r (P-2940/91; A-2193)
530.220	n (P-2940/91; A-2193)
530.225	n (P-2940/91; A-2193)
530.230	n (P-2940/91; A-2193)
530.240	n (P-2940/91; A-2193)
530.256	n (P-2940/91; A-2193)
530.260	n (P-2940/91; A-2193)
530.270	n (P-2940/91; A-2193)
530.280	n (P-2940/91; A-2193)
530.290	n (P-2940/91; A-2193)
530.300	n (P-2940/91; A-2193)
530.301	r (P-3003/91; A-2256)
530.302	r (P-3003/91; A-2256)
530.303	r (P-3003/91; A-2256)
530.310	n (P-2940/91; A-2193)
530.320	n (P-2940/91; A-2193)
530.330	n (P-2940/91; A-2193)
530.400	n (P-2940/91; A-2193)
530.401	r (P-3003/91; A-2256)
530.402	r (P-3003/91; A-2256)
530.403	r (P-3003/91; A-2256)
530.410	n (P-2940/91; A-2193)
530.420	n (P-2940/91; A-2193)
530.430	n (P-2940/91; A-2193)
530.440	n (P-2940/91; A-2193)
530.450	n (P-2940/91; A-2193)
530.460	n (P-2940/91; A-2193)
530.470	n (P-2940/91; A-2193)

TITLE 95	
116.40	am (P-558; A-7704)
121.10	n (P-561; A-7707)
121.20	n (P-561; A-7707)
121.30	n (P-561; A-7707)
121.40	n (P-561; A-7707)
121.50	n (P-561; A-7707)
121.60	n (P-561; A-7707)
121.70	n (P-561; A-7707)
121.80	n (P-561; A-7707)
121.90	n (P-561; A-7707)
121.100	n (P-561; A-7707)
121.110	n (P-561; A-7707)
121.120	n (P-561; A-7707)
121.130	n (P-561; A-7707)
121.140	n (P-561; A-7707)
121.150	n (P-561; A-7707)
121.160	n (P-561; A-7707)
121.170	n (P-561; A-7707)
121.180	n (P-561; A-7707)
121.190	n (P-561; A-7707)
121.200	n (P-561; A-7707)
121.210	n (P-561; A-7707)
121.220	n (P-561; A-7707)
121.230	n (P-561; A-7707)
122.10	n (P-2113)
122.20	n (P-2113)
122.30	n (P-2113)
122.40	n (P-2113)
122.50	n (P-2113)
122.60	n (P-2113)
122.70	n (P-2113)

TITLE 92 (CONT'D)	
1070.40	am (P-15428/91; A-2172)
1309.10	n (P-3238)
1309.20	n (P-3238)
1309.30	n (P-3238)
1311.10	n (P-4195/91; W-2942)
1440.20	am (P-5139)

TITLE 95	
116.40	am (P-558; A-7704)
121.10	n (P-561; A-7707)
121.20	n (P-561; A-7707)
121.30	n (P-561; A-7707)
121.40	n (P-561; A-7707)
121.50	n (P-561; A-7707)
121.60	n (P-561; A-7707)
121.70	n (P-561; A-7707)
121.80	n (P-561; A-7707)
121.90	n (P-561; A-7707)
121.100	n (P-561; A-7707)
121.110	n (P-561; A-7707)
121.120	n (P-561; A-7707)
121.130	n (P-561; A-7707)
121.140	n (P-561; A-7707)
121.150	n (P-561; A-7707)
121.160	n (P-561; A-7707)
121.170	n (P-561; A-7707)
121.180	n (P-561; A-7707)
121.190	n (P-561; A-7707)
121.200	n (P-561; A-7707)
121.210	n (P-561; A-7707)
121.220	n (P-561; A-7707)
121.230	n (P-561; A-7707)
122.10	n (P-2113)
122.20	n (P-2113)
122.30	n (P-2113)
122.40	n (P-2113)
122.50	n (P-2113)
122.60	n (P-2113)
122.70	n (P-2113)

TITLE 92 (CONT'D)	
530.480	n (P-2940/91; A-2193)
530.500	n (P-2940/91; A-2193)
530.501	r (P-3003/91; A-2256)
530.502	r (P-3003/91; A-2256)
530.503	r (P-3003/91; A-2256)
530.510	n (P-2940/91; A-2193)
530.520	n (P-2940/91; A-2193)
530.530	n (P-2940/91; A-2193)
530.600	n (P-2940/91; A-2193)
530.601	r (P-3003/91; A-2256)
530.602	r (P-3003/91; A-2256)
530.603	r (P-3003/91; A-2256)
530.610	n (P-2940/91; A-2193)
530.700	n (P-2940/91; A-2193)
530.701	r (P-3003/91; A-2256)
530.702	r (P-3003/91; A-2256)
530.710	n (P-2940/91; A-2193)
530.800	n (P-2940/91; A-2193)
530.801	r (P-3003/91; A-2256)
530.802	r (P-3003/91; A-2256)
530.803	r (P-3003/91; A-2256)
530.804	r (P-3003/91; A-2256)
530.810	n (P-2940/91; A-2193)
530.820	n (P-2940/91; A-2193)
530.830	n (P-2940/91; A-2193)
530.840	n (P-2940/91; A-2193)
530.900	n (P-2940/91; A-2193)
530.901	r (P-3003/91; A-2256)
530.902	r (P-3003/91; A-2256)
530.903	r (P-3003/91; A-2256)
530.904	r (P-3003/91; A-2256)
530.905	r (P-3003/91; A-2256)
530.906	r (P-3003/91; A-2256)
530.907	r (P-3003/91; A-2256)
530.908	r (P-3003/91; A-2256)
530.909	r (P-3003/91; A-2256)
530.11.A	n (P-2940/91; A-2193)
708.70	am (P-8193/91; A-194)
787.10	n (P-13027/91; A-2882)
787.20	n (P-13027/91; A-2882)
787.30	n (P-13027/91; A-2882)
787.40	n (P-13027/91; A-2882)
787.50	n (P-13027/91; A-2882)
1002.20	am (P-6790)
1002.45	n (P-6790)
1010.420	am (P-5240)
1030.11	am (P-1271)
1030.30	am (P-2449)
1030.84	am (P-14198/91; A-2182)
1070.20	am (P-15428/91; A-2172)

